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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL G. OBER,

Plaintiff

v.

PAUL EVANKO, MARK
CAMPBELL, THOMAS
COURY, JOSEPH
WESTCOTT, HAWTHORNE
CONLEY

:
:
: No. 1:CV-01-0084
: (Judge Caldwell)
:
: CIVIL ACTION - LAW

: JURY TRIAL DEMANDED

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**EXHIBITS TO DEFENDANTS' BRIEF IN SUPPORT
OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
VOLUME 4**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL G. OBER : CIVIL ACTION LAW
Plaintiff : 1: CV-01-0084
vs., : (JUDGE CALDWELL)
PAUL EVANKO, MARK : JURY TRIAL DEMANDED
CAMPBELL, THOMAS :
COURY, :
JOSEPH WESTCOTT, :
HAWTHORNE CONLEY :
JOANNA REYNOLDS and :
SYNDI GUIDO :

Defendants

Proceedings: Video Deposition
Francis Koselnak

Date: October 23, 2001

APPEARANCES:

For the Plaintiff: Donald Bailey, Esquire
4311 North 6th Street
Harrisburg, PA 17110

For the Defendants: Syndi Guido, Esquire
333 Market Street
Harrisburg, PA 17101

1

1 MR. BAILEY: You have to move that box of tissues. Major Stillwater. Is
2 there anything I can get for you Joanna?
3 MS. REYNOLDS: No thanks I'm fine.
4 MR. BAILEY: Now Tony we're awaiting you and then we'll move right
5 into this thing and get it done here. Make sure that's run back. You
6 started with a new tape right?
7 MR. MARCECA: Yes sir.
8 MR. BAILEY: Make sure your erase button is where it permits you to; I'll
9 bet that's it. You have to put it on VTR probably to rewind it. It's a
10 different camera, a professional camera; I don't have any control
11 over it.
12 MR. MARCECA: Ok, it's now 11, correction, it's October 23, 2001.
13 Good afternoon my name is Anthony Marceca. My address is 2219
14 Dixie Drive, York, Pennsylvania. I am employed by PR Video who
15 has been contracted to conduct this video deposition on behalf of
16 the plaintiff. This matter is docketed at 1: CV-01-0084 in the
17 United States District Court for the Middle District of
18 Pennsylvania. The caption is Darrell G. Ober versus Paul Evanko et
19 al. and this deposition this afternoon; the witness is Francis
20 Koselnak a Major with the Pennsylvania State Police. And Major
21 could you raise you right hand I would like to swear you in. Do you
22 promise to tell the truth, the whole truth, and nothing but the truth
23 so help you God?
24 MAJOR: I do.
25 MR. MACECA: The time is 1:07 pm and this deposition is now in

2

1 progress.
2 MR. BAILEY: Thank you very much. Just on a voice check, Don Bailey,
3 counsel for plaintiff. We already have you Major. Joanna would
4 you?
5 MS. REYNOLDS: My name is Joanna Reynolds. I'm the assistant
6 counsel with the State Police and I represent the defendants in this
7 matter.
8 MR. BAILEY: Ok. I assume that the usual stipulations that objections
9 except as to the form of the question will be reserved until time of
10 trial are ok.
11 MS. REYNOLDS: Yes.
12 MR. BAILEY: Major I'll be very, very brief with just some instructions.
13 We're doing a deposition here. We're going to asking a number of
14 different questions. From time to time if you become curious or
15 concerned about where I'm going with a question, what I want to
16 get at I want you to feel free to ask me. That's a little different than
17 the usual procedure but we really want to get a good accurate
18 record from you. If at any time you have not had an opportunity to
19 complete your response to a question for any reason, I may step in
20 thinking you have finished or whatever, might intervene. Make sure
21 you that you answer fully and completely because this is a record of
22 course that is going to be of your testimony we want to make sure
23 that it has everything in it and your answers are complete and
24 you're satisfied with that, ok? Remember to keep your voice up,
25 not that you're going to answer with gesticulation, through gestures

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1 we have to have a verbal response you know. Anytime you want a
2 break or you want to break and talk to counsel, you're not allowed
3 to break and talk to counsel in the middle of a question, but
4 certainly I wouldn't object to any break that you want and certainly
5 if you have a personal reason for a break don't hesitate to ask.
6 Before we begin do you have any questions for me at all?
7 MAJOR: No I don't.
8 MR. BAILEY: All right sir. Major state your full name again for the
9 record please.
10 MAJOR: My name is Francis E. Koselnak.
11 MR. BAILEY: I'm just going to refer to you as Major. Is that ok?
12 A: That's fine.
13 Q: And you're a Major with the Pennsylvania State Police, and what
14 position do you hold with the Pennsylvania State Police?
15 A: I'm an Area Commander.
16 Q: Very briefly tell us what an Area Commander does with the
17 Pennsylvania State Police.
18 A: Well, the Area Commander is the job description within the
19 administrative regulation. Right now he acts as a liaison actually
20 between the executive office, which is the Commissioner, the
21 Deputy Commissioners, and the field. Certainly I make evaluations
22 to be able to determine how various programs are functioning and
23 operating and I provide advice to the executive office. Certainly I
24 sit in on disciplinary matters, and I guide troop commanders
25 concerning disciplinary matters involving their personnel on a troop

4

1 wide basis. Certainly I attend meetings, conferences, and seminars
 2 to be able to promote certainly the position and to be able to
 3 represent the front office.
 4 Q: What's your jurisdiction right now? By that I mean what have you.
 5 What's in your Chain of Command underneath you as an Area
 6 Commander?
 7 A: As an Area Commander I'm the Area Commander of Area Two.
 8 Which is the Northeastern part of the Commonwealth of
 9 Pennsylvania and sort of the northern tier. It encompasses Troops
 10 F, which is Montoursville, Troop P which is Wyoming and Troop
 11 R, which is Dunmar.
 12 Q: Is the LCE under your jurisdiction?
 13 A: No it isn't.
 14 Q: And what is the LCE? Do you know what that is?
 15 A: It's Liquor Control Enforcement.
 16 Q: How long have you been Area Commander of Area Two?
 17 A: Since July of 2000.
 18 Q: Now before July of 2000 what was your jurisdiction?
 19 A: I was the Director of Bureau of liquor Control Enforcement.
 20 Q: How long had you held that position before you were transferred or
 21 before you moved on?
 22 A: I held that position from October of 1998 until July of 2000 so it
 23 was approximately 19 months.
 24 Q: How did Darrell Ober come to work in your Chain of Command?

5

1 A: He was assigned to be able to work at the Bureau I believe it was in
 2 February 2000.
 3 Q: Well my question was how did he come to be assigned there?
 4 A: He was assigned there by the department to be able to work at the
 5 Bureau of Liquor Control Enforcement.
 6 Q: What does assigned by the department mean?
 7 A: He was transferred. He came over. There was a transfer order that
 8 was generated. He came over to the Bureau of Liquor Control
 9 Enforcement to be able to be assigned to that position.
 10 Q: And did you play any role in that assignment?
 11 A: No I didn't.
 12 Q: Were you asked about it?
 13 A: I wasn't asked about it.
 14 Q: Now your position, at the time of his transfer, your position was
 15 what?
 16 A: I was the Director Liquor Control Enforcement.
 17 Q: And what was your rank?
 18 A: Major.
 19 Q: So you're the director of LCE.
 20 A: The Bureau Director, yes.
 21 Q: And he was transferred to what position?
 22 A: He was transferred into the Bureau. Into the central section
 23 command position.
 24 Q: Central Section. How many sections are there?
 25 A: There are three sections of Liquor Control Enforcement.

6

1 Q: Three sections. Now he was transferred into that position you say in
 2 February of 2000?
 3 A: It was in February, I don't know the exact date but it was in
 4 February of the year 2000.
 5 Q: Well who commander of the west. Is there central, west, east? Is
 6 that how it is?
 7 A: That's right. There was a West there was a Central, which Captain
 8 Ober was commanding and of course there was an Eastern section
 9 also.
 10 Q: Who commanded the West?
 11 A: Lt. Ryan commanded The West.
 12 Q: Lt. Ryan?
 13 A: Right.
 14 Q: And how about the East?
 15 A: The East was commanded by, you know I tell you what I just forget
 16 exactly but it was a Lieutenant that was commanding the East.
 17 Q: What the significance of that, what do you mean a Lieutenant, what
 18 do you mean?
 19 A: Well I'm saying that there were, there was a Lieutenant in the East
 20 and I don't know his name. That's why I'm referring to him as
 21 Lieutenant.
 22 Q: I just wondered why you responded that it was a Lieutenant. Is
 23 there some reason?
 24 A: Well it wasn't a sergeant, you know that's his rank and I don't
 25 remember his name.

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1 Q: Well the East was commanded by a Lieutenant. The West was
 2 commanded by a Lieutenant and the Central was commanded by a
 3 Captain. The Central calls for a Captain? It's a bigger job?
 4 A: No, it doesn't call for a Captain.
 5 Q: What does it call for?
 6 A: Generally speaking it calls for a Lieutenant.
 7 Q: Major how did you come to be the Director of the Bureau of LCE?
 8 A: I receive the phone call I guess it was in October of 1998 to be able
 9 to come down and be able to be interviewed by Colonel Evanko, to
 10 be considered for a promotion.
 11 Q: Ok and you were an Area Commander up in...
 12 A: I was a Troop Commander sir.
 13 Q: I'm sorry sir. Yes sir, up in the Eastern, Northeastern part.
 14 A: Troop R Dunmar.
 15 Q: Dunmar. I know where that is. Lackawanna County?
 16 A: That's right.
 17 Q: Ok sir. So Colonel Evanko is talking to you about a promotion and
 18 has you come down to Harrisburg and that was when? It slipped my
 19 mind there.
 20 A: It was the early part of October of 1998. I don't remember exactly
 21 the date but it was probably the first 10-12 days of the month.
 22 Q: And he asked... I'm sorry sir, I interrupted you. And he asked you
 23 or discussed with you your feelings, I'm sure out of respect for you
 24 about taking over LCE. Right?
 25 A: No.

8

1 Q: Ok, no he did not. Ok what happened?
 2 A: He offered the position to me. He said you know the position over
 3 at Bureau Liquor Control Enforcement is available and we have a
 4 position to be able to promote to Major and I'd like to be able to
 5 offer you that. Are you interested I being able to take it.
 6 Q: And what was your rank at the time?
 7 A: Captain.
 8 Q: Now you said yes and you took the position. You agreed to take the
 9 position.
 10 A: Right.
 11 Q: After you took that position were there any other changes of
 12 command underneath you. By that I mean did Eastern, or Central,
 13 or Western Section Commanders change aside from the change that
 14 you experienced with Captain Ober?
 15 A: Yes there was a, the Western Section Commander has transferred
 16 out and again I don't remember his name and Lt Ryan transferred
 17 in. As far as the Command Staff was concerned there was several
 18 sergeants that left within that period of time. At least two that I can
 19 think of, positions that became available and people that were
 20 assigned to the Bureau of Liquor Control Enforcement.
 21 Q: And was Lt. Williams one of those people?
 22 A: Well, Lt. Williams was there at the time.
 23 Q: Did he leave at some point?
 24 A: Yes he did.
 25 Q: Where did he go?

9

1 A: He went over to the Bureau of Patrol.
 2 Q: Did he request that change?
 3 A: No, he didn't request it.
 4 Q: Who did request it?
 5 A: I guess it's standard procedure under the type of investigation that
 6 he was involved in. he would be transferred.
 7 Q: Now the position for West, Central and Eastern Commanders, the
 8 Section Commanders. There assigned for you out of the
 9 department.
 10 A: Yes they are.
 11 Q: Are you ever consulted about that?
 12 A: On an occasional basis I'm consulted but not all the time, no.
 13 Q: Have there been any changes in those positions since Captain Ober
 14 was changed into that position?
 15 A: Yes.
 16 Q: That's what he holds now right?
 17 A: Any posts?
 18 Q: Yeah.
 19 A: I left in July of 2000 so I really don't know if there are any changes
 20 since then. I really haven't been keeping in tune with that.
 21 Q: Well who told you that Captain Ober was going to be assigned to
 22 that position because you indicated you were told that. You didn't
 23 have any part in that decision.
 24 A: No I didn't have a part in that decision.
 25 Q: Well who told you that?

10

1 A: It was Lt. Colonel Westcott.
 2 Q: Now is he in your Chain of Command?
 3 A: He was the Deputy Commissioner of Operations.
 4 Q: And what did he do? Call you up and tell you you're getting
 5 Captain Ober?
 6 A: Yes he did.
 7 Q: Tell us how that conversation went.
 8 A: He called. I don't remember exactly what date it was but in any
 9 event it was in February of 2000. And he gave me a call, and it was
 10 about 8 o'clock in the morning if I remember correctly. And he
 11 called and he says to me that Captain Ober would be assigned to the
 12 Central Section in the Bureau of Liquor Control Enforcement.
 13 Q: Did you ask him if that violated Department Regulations?
 14 A: No I did not.
 15 Q: Did you ask him why?
 16 A: No I did not.
 17 Q: Did he offer why?
 18 A: No he didn't.
 19 Q: What other Captains served under you as Section Commanders?
 20 Well you've known Captains aside from Captain Ober that have
 21 filled those positions, as Section Commanders haven't you?
 22 A: I know the people that fill that position yes. Absolutely. Here was
 23 Ryan and Williams.
 24 Q: Well I mean people with rank of Captain. You know others don't
 25 you.

11

1 A: That what? Fill that particular position?
 2 Q: Yes.
 3 A: In my tenure? No.
 4 Q: Were you aware that at some point Captain Ober had filed legal
 5 actions in Commonwealth Court?
 6 A: I was familiar with an article that appeared in the paper and to be
 7 perfectly honest with you I don't have any recall but I think that the
 8 article had indicated that there was some action that was dismissed.
 9 And that was, you know to be able to put that into context whether
 10 it was pre or post February 2000. I don't remember.
 11 Q: Well was there any scuttlebutt at all in the Pennsylvania State
 12 Police about his
 13 A: You know I'll tell you what I do make it a point not to listen to
 14 rumors because inevitably when you listen to rumors it's 180
 15 degrees the other way.
 16 Q: My understanding of their 70 some, 60 or 70 sections, aside from
 17 your tenure and your personal do you know of any that were
 18 commanded by a Captain in your experience?
 19 A: You know I would really have to search back but typically I would
 20 say no.
 21 Q: Ok, how many years have you spent with the Pennsylvania State
 22 Police?
 23 A: I'm in my thirty fourth.
 24 Q: Wow that's a lot of experience. You don't have a recollection of a
 25 Captain other than Captain Ober as a section commander, as you

12

1 think of it?

2 A: I never made it a point to be able to. You know certainly when

3 you're coming up through the ranks, you're not concerned with

4 what goes on in other troops you're concerned with doing your own

5 job. Certainly when you get in a command phase that's when you

6 become aware through conferences of different troop operations

7 and things of that nature. So in any event, certainly from that time

8 in my recollection I don't, and a field operation you're talking

9 about so you know, I don't have any recall of a Captain performing

10 as a Section Commander.

11 Q: Do you have recollection of any unique problems in the Central

12 section?

13 A: What do you mean by problems?

14 Q: Ah, you just answered the question.

15 A: In my interpretation, yes, we had problems.

16 Q: What were they?

17 A: I needed a Section Commander bad because Lt. Williams had been

18 gone, he's been transferred over to the Bureau of Patrol that had

19 been probably in or around September of 1999 and when that

20 happens we need to be able to back fill people. And what happened

21 was the Sergeant who was the District Office Commander at the

22 Harrisburg Office, district office; we needed to make him Acting

23 Section Commander. In his place we needed to be able move up a

24 Liquor Control Officer 3 or Supervisor to be able to be the District

25 Office Commander. And in that place we needed to be able to

13

1 assign a Liquor Enforcement Officer to be able to serve as Liquor

2 Enforcement Officer Supervisor. That was my unique problem that

3 I had. By being able to move Lt. Williams from that position and I

4 recognize the necessity to be able to do that under those

5 circumstances. I had a desperate need to have a section commander.

6 I needed that position filled.

7 Q: Sure.

8 A: so consequently every opportunity I had I was looking to be able to

9 promote that, to be able to get that position filled.

10 Q: Sure. Now did you have something to do with Williams leaving?

11 A: Personally no.

12 Q: Who did?

13 A: The department again based upon current regulations and the

14 circumstances that surrounded his case necessitated him to be able

15 to be transferred and I don't remember who signed the order. It

16 would have to be either the Commissioner or the Deputy

17 Commissioner.

18 Q: Do you know why?

19 A: I do know why he was transferred yes.

20 Q: Why?

21 A: Because of an allegation of sexual harassment against him. And

22 consistent with the Governors Orders and the Governor's

23 memorandum we needed to make the workplace safe. That's why

24 he was transferred and removed from that position.

25 Q: All right. Is there some time that you served as head of PEMA?

14

1 A: That I served as head of PEMA?

2 Q: Yes.

3 A: No.

4 Q: What's PEMA?

5 A: Pennsylvania Emergency Management Association.

6 Q: What's that about? I know what the words mean, of course, but can

7 you tell us what it does in the state?

8 A: Well it's a, it's an agency that is designated to be able to put

9 together emergency operations in the event of a natural or man-

10 made disaster. To be able to pull together all different resources

11 from different state agencies to be able to focus upon the problem.

12 Q: Is it a priority in the Pennsylvania State Police?

13 A: Well I don't know if you would call it a priority but certainly we

14 participate.

15 Q: Who's the director of PEMA?

16 A: I don't know.

17 Q: What role does the police, obviously this is not a State Police

18 organization, right

19 A: That's right.

20 Q: What role does the Pennsylvania State Police play?

21 A: We're one of the agencies within PEMA, and we have a desk there.

22 Certainly that's where we bring in the State Police resources into

23 that kind of an emergency situation, where there is direct contact

24 with the State Police and if we need to be able to certainly

15

1 designate some law enforcement services or acquire some

2 information, that kind of immediate resource would be there.

3 Q: Is it a permanent kind of a position?

4 A: No its not because I've seen other people come in.

5 Q: I don't know much about it that why these questions. If I ask

6 questions sometimes that seem to be rather silly it's because I just

7 don't know. It was a very poor question, let me withdraw it. What I

8 should have said is its not so much an as permanent position,

9 Major. It's a position where somebody fills it fulltime for the State

10 Police or is it an additional position or something you do as an

11 additional duty?

12 A: It's an additional duty. It's an alternate duty that people volunteer

13 for. And they participate representing the State Police within that

14 agency

15 Q: My understanding is that Captain Ober was at some time or at one

16 time was involved with PEMA and the State Police. That is from

17 my interviews and investigation into the case. Do you have any

18 knowledge of him being involved with PEMA or being a PEMA

19 representative for the State Police?

20 A: From what Darrell told me yes.

21 Q: Ok, what did he tell you?

22 A: It was in February there whenever he was assigned to the Bureau

23 and he approached me to be able to determine if he could continue

24 his assignment to PEMA. My first reaction was I wanted him to be

25 able to focus on his position there at the Bureau rather than to be

16

1 able to be, you know, certainly than to be accepting responsibilities
 2 somewhere. In any event, I says let me give that one some thought.
 3 Let me look at it, evaluate it. So in any event he told me he was
 4 involved in it. I forget if he said he was involved in it several years
 5 from his previous position that he'd been associated as a
 6 representative of the State Police over at PEMA.
 7 Q: So you thought about it. You considered it.
 8 A: Yes.
 9 Q: In the process of doing so did you find out that indeed he had been
 10 assigned to PEMA?
 11 A: I found out he was assigned to PEMA, yes.
 12 Q: Did you talk to anyone about that?
 13 A: Yes.
 14 Q: Who did you talk with?
 15 A: I spoke with Major Washington who was at the time the Bureau
 16 Director at the Bureau of Emergency and Special Operations for the
 17 State Police. That's where the emergency operations officer from
 18 the State Police is permanently assigned. I don't know if it was
 19 Captain Davis at the time but that's who it is now. So I gave Major
 20 Washington a call and I said how critical is Captain Ober's position
 21 there with PEMA? And he says, you know, as far as Captain Ober
 22 is concerned it's not critical for him but it's important that we have
 23 somebody there. And I said if he were not available what would
 24 you do? And he said we would just post for another Captain. So in
 25 any event I says I wanted to really find out if this was going to be a

17

1 significant disadvantage to the State Police by removing Ober or
 2 not providing the authorization for him to be able to be involved,
 3 and he felt that it was not and he would just post for another
 4 Captain. So based upon that we may have had conversation,
 5 Captain Ober and I maybe a week, maybe two later and I told him
 6 at that time I didn't want him to be able to be involved in that
 7 maybe we would consider it maybe six months down the road we
 8 would look at it again but at this particular time I really wanted him
 9 to be able to focus in on adjusting to the new position as the Section
 10 Commander of Liquor Control Enforcement.
 11 Q: How would PEMA interfere with his focusing or adjusting in?
 12 A: Well, ah, if you had any kind of critical event which would have
 13 happened where he would have been required to perform his duties
 14 over at the Bureau certainly he would be able to be at two places at
 15 the same time. And we would have lost certainly his contribution
 16 there at the Bureau. And sometimes you have these events or at
 17 least it's been my experience that these events have been prolonged
 18 for days and days at a time. I mean regrettably you know that's how
 19 it happens; it's not over in an hour or two because certainly it needs
 20 to be able to be addressed. So generally, you know, that's the
 21 perspective that I was looking at from being the director of the
 22 Bureau of Liquor Control Enforcement.
 23 Q: Ok. Now if every director in the Pennsylvania State Police did what
 24 you did there wouldn't be any PEMA. Pennsylvania State Police
 25 would what, not participate in PEMA? Or do they have a choice?

18

1 A: Well, I think we could find a Captain someplace to be able to
 2 participate. There's no question. It just that I felt to myself with the
 3 Bureau, because I felt this was extremely important and for him to
 4 be able to get adjusted to the position. Maybe I would have
 5 reevaluated six months down the road. There's no question. Maybe
 6 we would have looked at it differently. The other factor I needed to
 7 look at, but I looked at it specifically from the operational point of
 8 view. That's what my decision was based on. The Bureau of Liquor
 9 Control Enforcement operates from funds from the Pennsylvania
 10 Liquor Control Board and all of those funds and of course and what
 11 they support is supposed to be directed to be able to investigate
 12 violations of the Liquor Code in the Commonwealth of
 13 Pennsylvania. We generally don't have people from the Bureau that
 14 are assigned other places because this has got to be dedicated to the
 15 process of being able to investigate the Liquor Code. But my
 16 primary purpose was strictly from operational reasons.
 17 Q: And did, it was Major Washington at the time?
 18 A: Yes.
 19 Q: Did Major Washington tell you the position would be open six
 20 months from the time you were denying Darrell the opportunity to
 21 serve?
 22 A: We didn't discuss that.
 23 Q: You didn't discuss that at all. Now did you ask him how Darrell
 24 performed in that position?
 25 A: No. No I didn't.

19

1 Q: You didn't ask him about it?
 2 A: No.
 3 Q: Did he offer?
 4 A: No.
 5 Q: How long was this conversation?
 6 A: Probably around two minutes. Three minutes.
 7 Q: Did you, were you aware that Darrell Ober had held that position
 8 before?
 9 A: Yes.
 10 Q: And did you know at that time how long he had held it?
 11 A: No I didn't.
 12 Q: Did you learn how he had lost the position?
 13 A: No I didn't. What you mean lost? I'm assuming he'd lost this
 14 position, at the time we had this conversation he was assigned to
 15 the Bureau of Liquor Control Enforcement. Is that what you're
 16 referring to? So in that respect I know how he lost it.
 17 Q: How did he lose it according to your understanding?
 18 A: Because I denied him the authority to participate.
 19 Q: See my question is as a Bureau Director you had the power,
 20 authority to be able to say he couldn't fill that position?
 21 A: Yes, I did.
 22 Q: And then see I asked you a question remember if every Bureau
 23 Director did that how would the Pennsylvania State Police come up
 24 with anybody fro PEMA?

20

1 A: Well I considered this position from my perspective as the Director
 2 of the Bureau of Liquor Control Enforcement to be able to be a
 3 very important position for him to be able to become familiar with
 4 the operational aspects of that.
 5 Q: Now you've told us that and many times very clearly. But my
 6 question is if you're telling me in the Pennsylvania State Police that
 7 every Bureau Director has the authority to say no if they have a
 8 person that wants to hold a position like that. And my simple
 9 question is, I mean you're a Major, a very high level in the State
 10 Police. A Major, how does the Pennsylvania State Police fill that
 11 position? I mean you're response was "Ah they could go find a
 12 Captain somewhere." Right?
 13 A: Right.
 14 Q: Don't they need somebody capable or competent to do that or is it
 15 just sort of a wasted thing?
 16 A: Well the person should be capable and competent to be able to
 17 represent the State Police. Most certainly with the PEMA agency,
 18 there's no question about it. But I don't think we were looking at
 19 only one person being that competent and that capable to be able to
 20 do that. I think there were other people in the department to be able
 21 to do that.
 22 Q: One would assume in an organization that large you would have
 23 one competent person to be able to do a job like that. Did you learn
 24 at anytime how long Darrell had held the position?
 25 A: No I didn't. I don't know how long he held it.

21

1 Q: Captain McDonald. And what level was that?
 2 A: He would have been the Division Director.
 3 Q: Division Director?
 4 A: Division Director, right.
 5 Q: Now how many divisions are there in the Bureau?
 6 A: There are two divisions in the Bureau of Liquor Control
 7 Enforcement.
 8 Q: I don't know quite how to explain where I'm coming from. When I
 9 was in the service I had an opportunity as a Lieutenant to be a
 10 Headquarters Company Commander, ok. The battalion commander
 11 put me in that position as a First Lieutenant. Now I had
 12 Administratively, which means I would look after their
 13 administrative needs Captains underneath me. They certainly did
 14 not respond to me in terms off orders. You know what I mean?
 15 They responded directly to the Battalion Commander who was a Lt.
 16 Colonel. This is in the army. Now what I'm trying to understand
 17 based upon what I just learned from you. You've got a Captain, is
 18 this a case of a Captain giving orders to a Captain?
 19 A: Yes.
 20 Q: That seems, now it's one thing to say you're looking after
 21 somebody's administrative needs because you're in a position that
 22 requires you to perform just purely administrative duties I guess.
 23 But this is a Command position. How does a Captain command a
 24 Captain?
 25 A: Very easily.

23

1 Q: Did you, did Mr. Williams, Major
 2 Washington.
 3 Q: Did Major Washington tell you he had lost the position because he
 4 had been unlawfully transferred to Washington Pennsylvania?
 5 A: I didn't know he had lost the position.
 6 Q: Well you had indicated when I'd asked you about what had
 7 occurred between you and Darrell Ober that you were going to look
 8 into it. I'm just wondering the extent to which you did.
 9 A: I did. That's exactly what I did. I picked up the phone whether it
 10 was that day or whether it was the next day when I had the time to
 11 be able to do that. I called Major Washington and I wanted to know
 12 how critical Captain Ober was to being able to perform these duties
 13 as the representative of the State Police. And of course he indicated
 14 to me that Captain Ober was not critical, himself as an individual
 15 personally to be able to perform those duties. And that anybody
 16 else would be able to be trained and to fill that position without too
 17 much of a problem.
 18 Q: He told that anybody, a lot of people could do this. It isn't, there
 19 isn't anything unique about Captain Ober in the Pennsylvania State
 20 Police that we need him for this. Isn't anything personal, there's
 21 nothing personal to him that we need Captain Ober for this
 22 position? Right?
 23 A: Right.
 24 Q: Who was Captain Ober's immediate superior at the OCE?
 25 A: It would have been Captain McDonald.

22

1 Q: Just tells him what to do?
 2 A: Just tells him what to do, exactly.
 3 Q: Thirty-four years in the Pennsylvania State Police?
 4 A: Yes.
 5 Q: Give me another example.
 6 A: I could probably relate it to myself, serving on some committees
 7 where there were other Captains.
 8 Q: No, not committees, Major Chain of Command. Give me another
 9 example of Chain of Command.
 10 A: You know I would have to be able to really think about that. there's
 11 nothing that comes, I mean you're talking a typical field operation.
 12 Q: I'm talking about Chain of Command. I'm not. As I said to you
 13 before, I got a Lt. Colonel he says Lieutenant Bailey you're going
 14 to do this. I say, "yes sir" and I do it to the best of my ability. Now
 15 I've got a senior Captain who is an S-1 let's say or an S-5.
 16 A: I don't know what that is.
 17 Q: Well that's a certain function. You know, Intelligence or
 18 Operations or Property Book Officers different things. I didn't give
 19 them orders on what to do but I was involved in a lot of
 20 administrative tasks. In other words, they reported to the Battalion
 21 Commander. Headquarters Company administrative tasks, it's a
 22 dual thing. The Chain of Command comes from the Lt. Colonel
 23 directly to those section captains so there's no violation of the
 24 Chain of Command problem, let's say as a practical matter by
 25 having a Lieutenant be the head of the Headquarters Company.

24

1 Now it's a great honor and privilege to serve in that position cause
 2 it calls for a senior captain but here you're telling me this is a Chain
 3 of Command thing. You've got a captain commanding a captain
 4 and that's what got me a little bit, not confused but wondering if
 5 that's unusual in the Pennsylvania State Police or how rare it is. I
 6 assume it's rare.
 7 A: In a field operation I don't immediately recall you know where
 8 there would be that situation. The only thing I can recall in a filed
 9 operation of course is where there would be acting. In my absence I
 10 would assign a captain acting and of course he would be
 11 temporarily in charge of two other captains.
 12 Q: I can understand that certainly.
 13 A: But no. I don't recall in my time.
 14 Q: Any other example.
 15 A: Right.
 16 Q: I had asked you some questions about court activity on Captain
 17 Ober's part. Can you tell me if you at anytime, forget the rumors
 18 now, the scuttlebutt stuff and I understand that you don't pay
 19 attention to that. so you have a recollection of ever learning about
 20 Captain Ober's court experiences with the Pennsylvania State
 21 Police? More specifically Commonwealth Court and any actions
 22 that may have taken place there.
 23 A: No. Just from reading. I want to clarify, just from reading that
 24 article in the paper. And I don't remember exactly when that was,
 25 whether it was post or pre Captain Ober coming over where that

25

1 A: I never made that kind of a search for anybody else. Whenever I
 2 was called and said that Captain Ober was going to come over, to
 3 be quite frank with you I was elated. That's exactly what I told him.
 4 Q: Should be elated to get an officer of that quality, I would be too.
 5 A: With the experience that I had with him and certainly the respect I
 6 had for him that he was going to come over. And from the time Lt.
 7 Williams had left, like I said, every opportunity I had I made it a
 8 point to mention to Colonel Westcott how important that position
 9 was there. And the fact that it was vacant and that three other
 10 people were effected in there positions and that certainly we were
 11 compensating, you know those other people also to be able to
 12 perform in the higher pay scale. So as I say it was very important to
 13 be able to fill that position. So when he called me to be able to
 14 assign Captain Ober there certainly I was very satisfied with that.
 15 Q: And you never at any time suggested to Colonel...
 16 A: Colonel Westcott.
 17 Q: Colonel Westcott or anybody above you in the Chain of Command
 18 that you needed a captain for that position?
 19 A: I said I needed the position filled.
 20 Q: You just needed somebody. Right. You didn't suggest it be a
 21 captain, a sergeant, a lieutenant, a major, a colonel, a commissioner
 22 or anything else. You just, I need somebody to do this job because I
 23 got work to be done and I need things done.
 24 A: Right.

27

1 suit, I think it was dismissed. I just briefly read the article and you
 2 know, time is so valuable to waste in that area. If there is something
 3 the department wants me to deal with they'll let me know. And
 4 rumors as I say they certainly serve no purpose at all.
 5 Q: Yes sir. Major did you ever wonder why Captain Ober was put in
 6 that position?
 7 A: No I didn't.
 8 Q: Did you consider it unusual at all? I understand you had a great
 9 need.
 10 A: Exactly.
 11 Q: For somebody in that position and that was an immediate command
 12 concern that you had. And that was a source of frustration to you
 13 not having somebody in that position. You needed somebody to do
 14 that job.
 15 A: That's correct.
 16 Q: But the Pennsylvania State Police has thousands of people in it,
 17 better than four thousand I think.
 18 A: About 4200.
 19 Q: All right sir. Now remember when you had called PEMA and you
 20 talked to Major Washington and you said you know we need Ober
 21 to fill this position at PEMA and you reasoning being I need him
 22 here to focus on this. Right?
 23 A: Right.
 24 Q: Are you testifying that the Pennsylvania State Police couldn't find a
 25 lieutenant for the section? For the Central section?

26

1 Q: When, how did you first learn that Captain Ober was assigned to
 2 you at the LCE?
 3 A: As I say it was in around February, I don't recall the exact date but
 4 in any event I received a call from Lt. Colonel Westcott. It was
 5 in the morning I'd say it was someplace around 8 am or someplace
 6 in and around that area and he said that Captain Ober would be
 7 coming over to be able to fill Lt. Williams position for the Central
 8 Section commander. That's how I first learned about it.
 9 Q: And how long was that conversation?
 10 A: Probably around 45 seconds. Less than a minute I'd say.
 11 Q: Holy Cow.
 12 A: It was a matter of him pushing information to me and me certainly
 13 me understanding the information.
 14 Q: Sure.
 15 A: And acting, in fact Captain Ober was there that morning. So I
 16 assumed he came in to be able to report, which I found out later, he
 17 didn't.
 18 Q: All right so that was he called you up and you're not the type of
 19 fellow to beat around the bush and ok fine and you were pleased
 20 that you had somebody.
 21 A: I was very pleased.
 22 Q: Why were you so happy or pleased? Did you know Captain Ober?
 23 A: Not that I've had that much experience with Captain Ober but
 24 certainly we did get a chance to be able to work on a committee

28

1 about four years before where there were about fourteen or fifteen
2 of us.
3 Q: Was that the museum committee?
4 A: No. It wasn't the museum committee.
5 Q: Or what was it?
6 A: It was the Legislative Reference and Budget Committee. We were
7 reviewing the report and I felt he had done some excellent work
8 there. I was a captain at the time we worked together along with
9 twelve, fourteen other people. And like I said I thought that it was
10 an excellent contribution that was made by everybody and that's
11 when I first really directly worked with Captain Ober?
12 Q: What was his rank then?
13 A: He was a Captain.
14 Q: And your rank was?
15 A: I was a Captain.
16 Q: You were a captain and that was before you took the LCE?
17 A: Yes, I want to be able to think and tell you when that was. I'd have
18 to be able to stretch and don't hold me to it. But it think it was
19 around 1996.
20 Q: Was Captain Ober the kind of Pennsylvania State Police member
21 that really put his heart and effort into working toward that
22 committee effort that you worked on there?
23 A: Yes.
24 Q: And had a good positive attitude about working with his colleagues
25 to get things done?

29

1 does he come from? I think he was in R&D at the time, you know. I
2 know we shared some stories together. But no I don't make it a
3 point to be able to listen to rumors like I said, really don't.
4 Q: Right. Well, I know you don't listen to them. But now and then
5 they have a way of imposing themselves on us because we are at
6 the wrong place at the wrong time. Do you remember any rumors
7 about Captain Ober?
8 A: No.
9 Q: As someone who, you're his commander at this time are you not?
10 A: We don't. We're not working directly in the same Chain of
11 Command.
12 Q: I'm sorry I keep forgetting that you left there. During the time that
13 you were his Commander, his, you were in charge, you were in his
14 direct Chain of Command. Now you're not in his direct Chain of
15 Command now.
16 A: That's correct.
17 Q: And forgive me I keep forgetting that you made the change to the
18 area from the Bureau. Anyway during the time that he, let me just
19 use a common phraseology, he worked for you. During the time he
20 worked for you and you were his, you know. Did he perform his
21 duties satisfactorily to you, for you and perform them well to the
22 best of your knowledge?
23 A: At the time that we directly worked together?
24 Q: Yes.
25 A: Yes absolutely.

31

1 A: I think he had.
2 Q: In your view was he somebody you were proud to call a colleague?
3 A: Oh absolutely.
4 Q: And isn't it fair to say he treated you with the utmost respect as a
5 colleague?
6 A: I think so.
7 Q: And hasn't he always treated you with the utmost respect?
8 A: Absolutely.
9
10 **END OF SIDE ONE - TAPE ONE**
11
12 Q: Major you did learn at some point that Captain Ober had been sent
13 out to Washington, Pennsylvania. I'm from western Pennsylvania.
14 You're from the hard coal and I'm from the soft coal. And we call
15 it little Washington out there. We don't mean Washington, DC or
16 anything thing like that but you would know of course because
17 you know the whole state. Did you know why Captain Ober was
18 sent out to Little Washington? Why he was sent out there?
19 A: No I didn't.
20 Q: Did you ever have any conversations with anybody either at your
21 level of rank or above you in the Pennsylvania State Police about
22 Captain Ober and any of his personnel experiences or assignments?
23 A: You know what? I probably did I just don't recall having those kind
24 of. I know probably at the time we worked together in 1996 I
25 probably asked around, you know, who was he? You know, where

30

1 Q: At this time let's suspend and Darrell and I step outside. This is a
2 process I do. I think we're pretty much near the end of this. I need
3 to review a couple of things with him and your attorney may have
4 some questions for you.
5 MR. MARCECA: The time is 1:53 P.M. and we're going to stop the film
6 while the attorney confers.
7 **BREAK.**
8 MR. BAILEY: Ladies and Gentlemen please be advised that there is a
9 recorder running. We're, at this point; I'm sorry, let me conclude
10 here just for a second on that, please. Major Koselnak I'd like to
11 thank you very much for coming here today and answering
12 questions. At this time I don't have any further questions for you. It
13 would be up to your attorney and I understand, Joanne do you?
14 MS. REYNOLDS: I have no questions.
15 MR. BAILEY: Thank you sir very much. Your deposition is ended. You
16 have to wait here until he shuts down this infernal machine.
17 MR. MARCECA: Ok, it's now 2 P.M. 10/23/01 and this deposition is
18 now concluded. Thank you.
19
20
21
22
23

32

26

1

1 UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT
3 OF PENNSYLVANIA

4 * * * * *

5 DARRELL G. OBER, *

6 Plaintiff * No.

7 vs. * 1: CV-01-0084

8 PAUL EVANKO, MARK * Civil Action-Law

9 CAMPBELL, THOMAS *

10 COURY, JOSEPH *

11 WESTCOTT, *

12 HAWTHORNE CONLEY, *

13 Defendants *

14 * * * * *

15

16 VIDEOTAPE DEPOSITION OF

17 RALPH W. KUSH

18 MARCH 14, 2002

19

20

21

22

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25 by the certifying agency

ORIGINAL

VIDEOTAPE DEPOSITION

OF

RALPH W. KUSH was taken on behalf of
the Defendants herein, pursuant to
the Rules of Civil Procedure, taken
before me, the undersigned, Denise
Jeanne Khorey-Harriman, a Registered
Merit Reporter and Notary Public in
and for the Commonwealth of
Pennsylvania, at the offices of the
Federal Bureau of Investigation,
3311 East Carson Street, Pittsburgh,
Pennsylvania, on Thursday, March 14,
2002, at 11:15 a.m.

A P P E A R A N C E S

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ALSO PRESENT: DARRELL G. OBER

JOHN R. BROWN

ANTHONY MARCECA

I N D E X

WITNESS: RALPH W. KUSH

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RE-EXAMINATION

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7

P R O C E E D I N G S

VIDEOGRAPHER:

Good morning. Be
advised the video and
audio is in operation. My
name is Tony Marceca. My
address is 2219 Dixie
Drive, York, Pennsylvania
17402. I have been
contracted by PR Video to
be the video operator for
this deposition. The case
is: In The United States
District Court of the
Middle District of
Pennsylvania. It's titled
Darrell G. Ober,
Plaintiff, versus Paul
Evanko, et al. It's a
Civil Action Law Case.
It's 1:CV-01-0084. The
deposition is taking place
at the FBI headquarters in
Pittsburgh, Pennsylvania,

1 at 3311 East Carson
2 Street, Pittsburgh,
3 Pennsylvania. And the
4 witness is Ralph Kush,
5 K-U-S-H. And his
6 deposition is being held
7 on the part of the Paul
8 Evanko et al., the State,
9 Commonwealth of
10 Pennsylvania. Is that
11 correct?

12 ATTORNEY GUIDO:

13 Correct.

14 ATTORNEY BAILEY:

15 Yes, sir.

16 VIDEOGRAPHER:

17 The time now is
18 11:15. And this is March
19 14th, 2002. And Mr. Kush,
20 would you please raise
21 your right hand and swear
22 after me.

23 RALPH W. KUSH, CALLED AND SWORN TO
24 TESTIFY

25 VIDEOGRAPHER:

1 Mr. Bailey, may I
2 have a sound check?

3 ATTORNEY BAILEY:

4 Sure. My name is Don
5 Bailey. I'm an attorney.
6 I represent the Plaintiff
7 in this case, Darrell G.
8 Ober. My address is 4311
9 North Sixth Street,
10 Harrisburg, Pennsylvania
11 17110. Phone,
12 717-221-9500.

13 ATTORNEY GUIDO:

14 Syndi Guido,
15 Governor's Office of
16 General Counsel for the
17 Defense.

18 ATTORNEY KILLEEN:

19 Jeff Killeen, Chief
20 Division Counsel, FBI
21 Pittsburgh Division, 3311
22 East Carson Street,
23 Pittsburgh, 15203, phone
24 412-432-4000.

25 ATTORNEY GUIDO:

10

1 Ready?

2 VIDEOGRAPHER:

3 Ready.

4 EXAMINATION

5 BY ATTORNEY GUIDO:

6 Q. Sir, I understand you're
7 retired now?

8 A. Yes, I am.

9 Q. And how long were you with
10 the FBI?

11 A. Just over 24 years.

12 Q. When did you retire?

13 A. December 31st, 2001.

14 Q. And how long were you in
15 the Pittsburgh area or out in
16 western Pennsylvania?

17 A. I came here in '85, so
18 that would be about 16 years.

19 Q. When did you first receive
20 information about possible political
21 corruption at the Pennsylvania State
22 Police Academy?

23 A. That was --- it's been
24 several years now. It was
25 approximately --- if you have the

11

1 date, it's like '95, '96, maybe, we
2 served a search warrant. And the
3 individual that we served the search
4 warrant on indicated that he would
5 cooperate with us. And one of the
6 things that he divulged to us was
7 the fact that someone was trying to
8 buy a position in the State Police
9 Academy.

10 Q. Could that initial
11 information have been as early as
12 1994, 1995?

13 A. Sure.

14 Q. And when you first got
15 that information, what was the first
16 thing --- did you contact somebody
17 at the State Police?

18 A. Eventually. I didn't
19 realize exactly who we were dealing
20 with at the time. I subsequently
21 determined through actually a police
22 check through the local Allegheny
23 County Pittsburgh system that the
24 individual that was mentioned to me
25 was actually a State Police

1 officer. There was a report --- he
2 was a victim in an accident --- hit
3 and run. And I found out he was a
4 State Police officer at that time.

5 Q. And so that --- I'm a
6 little unclear. I know that it came
7 about. What information did you
8 have that he, by name, before you
9 knew he was a state trooper?

10 A. Sure.

11 Q. How did you know he was
12 involved in this?

13 A. The information that we
14 received, there was a friend of the
15 individual who was cooperating. He
16 had a friend who wanted to become a
17 State Police trooper, and he was
18 willing to pay for that.

19 Q. Okay.

20 A. And the amount was \$10,000
21 at the time. And he gave me the
22 name --- the name of the person who
23 was going to intercede on behalf of
24 the person wanting to become a
25 trooper was, in fact, a state

1 trooper, but I didn't know that at
2 the time. That person ---.

3 Q. That's when you ---?

4 A. Excuse me?

5 Q. Excuse me. That's when
6 you got the name Kipp Stanton?

7 A. That's right.

8 Q. Okay.

9 A. And we didn't know --- and
10 he actually didn't even know he was
11 a state trooper. He thought he was
12 some police officer in a local
13 department. I determined through
14 some record checks that he was, in
15 fact, a State Police officer. And
16 at that point, I contacted the State
17 Police. And ---.

18 Q. Who did you --- do you
19 know who you contacted at the State
20 Police?

21 A. I contacted Harrisburg.
22 And I can't recall. I got a little
23 bit of the runaround there, but
24 eventually I ended up with --- the
25 Internal Affairs officer at the time

14

1 was in Greentree. And if I could
2 remember, if somebody would mention
3 ---.

4 Q. Does the name Claus
5 Behrens ring a bell?

6 A. No, not Claus Behrens.

7 Q. Not Claus Behrens.
8 Somebody else in Greentree?

9 A. Yeah, he was in
10 Greentree. He was the western
11 Pennsylvania OPR. It may come to
12 me. If it does, I'll give you a
13 name. Because I was concerned at
14 the time --- excuse me. I was
15 concerned at the time that there
16 might have been a State Police thing
17 going on. And I didn't want to get
18 in the middle of that thing.

19 Q. Could it have been ---
20 could the last name have been
21 Conley?

22 A. No.

23 Q. If you remember ---?

24 A. If I remember it, he's
25 recently retired. And he's from, I

15

1 think, one of the southern counties
2 out here now. But yeah, I was
3 concerned at the time that there was
4 a State Police sting going on, and I
5 didn't want to get --- be involved
6 in that thing. He made a check
7 discreetly for us. I basically told
8 him that --- what the situation
9 was. And he was receptive to our
10 investigation. And he made a
11 discreet check to see if Kipp
12 Stanton was, in fact, involved in
13 any kind of undercover operation out
14 in the East Liberty section of
15 Pittsburgh. He told me he wasn't.
16 And I had pretty much a green light
17 then to continue on that phase along
18 with other phases, which we were
19 working on at the time.

20 Q. Do you remember when that
21 was?

22 A. It was probably no more
23 than two weeks after I had gotten
24 the initial information. It had to
25 be within that two-week period, I

16

1 would think.

2 Q. Did you eventually have
3 discussions with Claus Behrens about
4 it when he was in the Internal
5 Affairs in the Western Division at
6 Greentree?

7 A. No.

8 Q. You don't remember ever
9 talking to Claus Behrens about it?

10 ATTORNEY BAILEY:

11 Behrens is spelled
12 B-E-H-R-E --- well,
13 sometimes spelling, you
14 know, helps because of
15 ---.

16 A. No. Claus Behrens is with
17 the Pennsylvania Attorney General's
18 office; is he not?

19 BY ATTORNEY GUIDO:

20 Q. No. Claus Behrens is ---
21 you're thinking of Laws Claus, I
22 think.

23 A. Oh, gosh. Those names
24 ---.

25 Q. Okay. I ---?

17

1 A. Yeah, this guy was a
2 Captain, I think, or ---.

3 Q. Yes. The Captain in
4 charge of the Greentree IAD.

5 A. That would have been him.

6 Q. If his name was Claus
7 Behrens ---?

8 A. That's the person I
9 thought of.

10 Q. Okay.

11 A. I'd have to look at my
12 file.

13 Q. I think I know who you're
14 confusing with Laws Claus at the
15 Attorney General's office?

16 A. Yeah.

17 Q. Okay. Because he was in
18 that area years ago?

19 A. Yeah. He's down the
20 street.

21 Q. Okay. So that's why I was
22 getting confused.

23 A. Okay.

24 Q. You were thinking ahead of
25 me here.

1 A. That's better, sure.

2 Q. So now that we have that
3 cleared up, when do you think you
4 had the conversation with Captain
5 Behrens?

6 A. I would say like probably
7 a week or so after the initial
8 information we had --- we wanted to
9 develop it as soon as we could to
10 determine if that was a road we
11 should go down or not. If he were
12 --- if the State Police was in
13 there, we weren't going to go down
14 that road.

15 Q. And do you know what
16 checking he did for you?

17 A. He called the barracks, I
18 think, where Kipp Stanton was
19 assigned at the time to determine if
20 he was involved.

21 Q. Was that okay with you?

22 A. Sure. I trust --- we have
23 to trust each other in law
24 enforcement. And his --- you know,
25 I knew he'd be discreet.

19

1 Q. Did you make --- other
2 than asking him to check out whether
3 there was a sting operation, did you
4 ask for any other assistance from
5 --- I think at the time he was a
6 Lieutenant, but Lieutenant or
7 Captain Behrens?

8 A. No.

9 Q. Do you know, what was the
10 next contact you would have had ---
11 well, excuse me. Did the
12 investigation end there or what
13 happened with it?

14 A. Well, it proceeded for a
15 couple of weeks. And then because
16 of internal necessities, we had to
17 stop that end of it. And then it
18 stayed dormant probably about 18
19 months, I guess, or two years,
20 whatever. And then we reactivated
21 it.

22 Q. During ---?

23 A. Because there were other
24 things we were addressing at the
25 time.

1 Q. During the time, the
2 initial phase before it went
3 dormant, when it was first active,
4 did you have any information that
5 anybody within the command structure
6 of the State Police would be
7 involved in selling spots to the
8 State Police Academy?

9 A. No, I --- let me go back
10 here just a second. I think that
11 first came up --- or the possibility
12 came up, was the result of a tape
13 recording that we had. And at that
14 point, it was --- this investigation
15 was reactivated or this phase of it
16 was --- excuse me. And we captured
17 some information.

18 Q. Now, did you have --- when
19 you talked to --- back then, during
20 this first phase when you contacted
21 Behrens, did you talk with him about
22 the need for confidentiality or was
23 there any discussion about who
24 within the State Police he could
25 discuss this with, anything of that

1 nature?

2 A. He knew generally where we
3 were going to go with this case.
4 And, in fact, we really weren't sure
5 where we would go either with it.
6 At the time, the person that was
7 cooperating with us has --- had and
8 still --- I don't know if he has
9 anymore, but had contacts within the
10 judiciary --- or not --- well,
11 within the legislative branch, some
12 representatives and some state
13 Senators. And so, that was the
14 method --- that was the way ---
15 direction we were probably going to
16 go with it in developing it.

17 Q. Did you give any advice to
18 Lieutenant Behrens about who he
19 should or should not tell in the
20 State Police or did you leave that
21 decision up to him?

22 ATTORNEY BAILEY:

23 You mean Captain

24 Ober, I think?

25 ATTORNEY GUIDO:

22

1 No. I'm talking
2 about Lieutenant Behrens.

3 ATTORNEY BAILEY:
4 Lieutenant Behrens?

5 ATTORNEY GUIDO:
6 He was a Lieutenant,
7 he later became Captain.

8 A. No, I didn't.

9 BY ATTORNEY GUIDO:

10 Q. So whether he was
11 Lieutenant or Captain at that time,
12 did you have any discussion about
13 that issue at all?

14 A. You know, he had the
15 information. And, you know, we ---
16 we were proceeding on an
17 investigation, and we were seeking
18 his cooperation. And we couldn't
19 dictate to him what he would do with
20 it, but we were going in that
21 direction. And he basically --- you
22 know, at the appropriate time, we
23 would tell him where we were and
24 what was going on.

25 Q. Okay. Then when was the

1 next time you had contact with
2 people at the State Police about the
3 Trooper Stanton situation?

4 A. If you have the date,
5 there was a --- like I said, there
6 was a --- several, a year, a year
7 and a half had gone by, and our
8 supervisors had changed. And Mike
9 Soohy became our supervisor. And
10 when he was reviewing the cases, he
11 said, hey, how about this angle,
12 let's get on with this situation
13 here and see if the cooperating
14 witness, you know, could reactivate
15 that and see if the guy was still
16 interested in becoming a trooper.
17 And we did that. And he said, yeah,
18 in fact, he had been contacted about
19 that a couple of times in between.

20 Q. So would the next time
21 that you met, had any meetings or
22 discussions with the State Police
23 about this be in either August or
24 September of 1998 when you met with
25 the members of the organized crime

1 unit at the State Police?

2 A. That's possible. Yeah,
3 out in Harmarville.

4 Q. Do you remember a meeting
5 like that? Let's see who they
6 were.

7 A. I may have ---.

8 ATTORNEY BAILEY:

9 She's going to see
10 who they were. Who were
11 they?

12 ATTORNEY GUIDO:

13 I'm looking to see.
14 Captain Frank Monaco.

15 A. Hmm.

16 BY ATTORNEY GUIDO:

17 Q. I'll give you the names,
18 see if the names ring a bell.
19 Lieutenant Jerry Ryan.

20 A. Uh-huh (yes).

21 Q. Or Corporal Jeffrey Shaw,
22 Corporal David Lieberman.

23 A. I did meet with them. I
24 can't recall whether I gave them ---
25 if that was before or after I had

1 that contact at Harrisburg OPR. If,
2 in fact, I did, --- I recall talking
3 with those individuals. Now, if I
4 got into specifics on the case or
5 not, I'm not sure.

6 Q. Do you ---?

7 A. We talked about a lot of
8 things. We were --- at that point,
9 we were trying to join up forces
10 more with the State Police in
11 addressing some of these areas and
12 just seeing what we could do
13 jointly.

14 Q. Do you remember if you ---
15 if they were the ones that made the
16 suggestion that you might want to
17 contact the Internal Affairs
18 Division?

19 A. No, it wasn't. It wasn't
20 them. In fact, I think the
21 suggestion came from Mike Soohy, my
22 supervisor. He said, hey, let's ---
23 you know, let's -- well, what had
24 happened was the tape recording that
25 we got was a videotape, I believe,

26

1 maybe not, maybe -- no, it was an
2 audio tape. It's an audio tape.
3 And in that tape, Kipp Stanton and
4 the guy that was trying to buy the
5 job --- excuse me?

6 ATTORNEY BAILEY:

7 Bridges?

8 A. Bridges, yeah. Bridges
9 actually discussed the whole
10 process. Bridges had taken the
11 exam, had been put in the different
12 level than what they were actually
13 calling potential troopers in, I
14 think it was the B class. And he
15 needed to be in A class. So he knew
16 the whole process. He mentioned
17 names of people who had bought
18 jobs. So we were at a point where
19 we needed to verify information that
20 we were getting, plus it was time,
21 you know, my supervisors decided it
22 was time, you know, to bring the
23 State Police back into this thing.
24 And that's when we contacted OPR,
25 their State Police OPR in

1 Harrisburg. And then I was put in
2 touch with Captain Ober.

3 BY ATTORNEY GUIDO:

4 Q. Do you remember who you
5 first called or how you found out
6 who to call?

7 A. I think I just called the
8 general number and asked for the
9 Internal Affairs, and I was directed
10 that way.

11 Q. And so it was the State
12 Police that told you --- somebody at
13 State Police headquarters that would
14 have said Captain Ober's the person
15 to talk to?

16 A. Yeah, I didn't know who
17 Captain Ober was.

18 ATTORNEY BAILEY:

19 Objection to the form
20 of the question. You may
21 respond.

22 BY ATTORNEY GUIDO:

23 Q. Did you ever work with
24 Captain Ober before?

25 A. No.

1 Q. Had you ever heard of him
2 before?

3 A. No.

4 Q. Did you know anything
5 about his reputation?

6 A. No.

7 Q. Did you know anything
8 about his integrity?

9 A. No.

10 Q. So you didn't choose him
11 for any of those factors?

12 A. No. I mean ---.

13 Q. It was his position;
14 right?

15 A. He was with the State
16 Police. We tend to trust everybody.

17 Q. That's what I'm asking.
18 It was his position was the reason
19 you contacted him, not anything you
20 knew about him personally?

21 A. No.

22 Q. At the time that you first
23 contacted Captain Ober, did you have
24 any information that anyone in the
25 --- any Lieutenant Colonel at the

1 State Police or anybody in the
2 governor's office was involved in
3 any way in this possible corruption?

4 A. As I said, the tape
5 recording did have that on it, you
6 know, it had reference to Lieutenant
7 Colonel or somebody who could
8 intercede. And, you know, we'd
9 listened to it, but it actually
10 didn't --- we didn't pick up on it
11 as hard as we did when we played it
12 for Captain Ober. He recognized
13 that. I guess he's more familiar
14 with the whole process, and he
15 picked on it real quickly.

16 Q. Now, if that tape recorder
17 recording wasn't made until a full
18 week after Captain Ober reported it
19 to his supervisor, then you must
20 have talked --- would you have
21 talked to him before that? In other
22 words, if the tape recording was
23 made October 13th, but he reported
24 it not to his supervisor, but to
25 Lieutenant Colonel Hickes on October

30

1 5th, I'm just wondering how that can
2 be?

3 A. Well, it's possible if
4 that's the way it was. But when we
5 actually met in --- where was it,
6 out in Bedford, it's between Bedford
7 and Breezewood, we had the recording
8 at that point.

9 Q. Okay. But ---?

10 A. I'm pretty sure we did. I
11 didn't really check my dates on
12 here.

13 Q. Do you know when you met
14 with him? I know it's a long time
15 ago.

16 A. Yeah.

17 Q. That's why I'm trying to
18 refresh your memory a little bit.

19 A. We met at the barracks
20 there between Breezewood and
21 Bedford.

22 Q. And you had the tape
23 recording by then; correct?

24 A. We had tape recordings.
25 Specifically that one, I can't

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1 recall whether we actually had that
2 one or not because there was many
3 tape recordings we had. But I kind
4 of think we did. I think we did
5 have it at that point. I mean,
6 that's ---.

7 Q. At the point that you
8 first contacted him? I mean ---
9 okay. Now, the tape recordings ---?

10 A. When we ---.

11 ATTORNEY BAILEY:

12 Let him answer.

13 A. When we came in contact,
14 we had it.

15 BY ATTORNEY GUIDO:

16 Q. Right. What I'm getting
17 at is when you very first spoke to
18 Captain Ober about it.

19 A. Uh-huh (yes).

20 Q. We know --- we've
21 established through the course of
22 these things that Captain Ober had
23 told Lieutenant Colonel Hickes on
24 October 5 that he had had contact
25 from you, and you were doing some

1 investigation?

2 A. Okay.

3 Q. We also have all the tape
4 recordings and transcripts, unless
5 there's some you didn't give us?

6 A. I don't think so.

7 Q. And it was not until
8 October, I think it's 13th, it could
9 be the 12th, but the 12th or 13th,
10 in which the tape recording was made
11 in which the Lieutenant Colonel was
12 mentioned, in which the governor's
13 office was mentioned?

14 A. Okay. Yeah.

15 Q. So what I'm saying is does
16 that help you at all remember more
17 about your first communications with
18 Captain Ober?

19 A. Well, the first
20 communications were telephonic.

21 Q. Yes.

22 A. And I would have --- I
23 would have told him that they were
24 --- there was a possibility that
25 --- that somebody could buy their

1 way into the trooper class by being
2 upgraded in their scores.

3 Q. Did you have any idea how
4 that could happen?

5 A. Well, yeah. Through
6 political, you know, manipulation.

7 Q. I mean, that's ---?

8 A. That's what --- I worked
9 political corruption. And that was
10 my direction at the time. I would
11 --- if that, in fact, was possible,
12 which these people were saying was
13 possible for a fee, then that's what
14 I wanted to attack was the
15 corruption at that level. So yeah,
16 I would have told him that there
17 were -- they were seeking, you know,
18 through political means to change
19 the --- what's the thing I just ---
20 the level, whatever it was, A level,
21 B level, C level, so it was, I
22 believe, from a B to an A.

23 Q. Bands.

24 A. Very good. Bands. And
25 that was the whole matter was being

1 upgraded.

2 Q. What I was asking was if
3 that would be possible, is did you
4 know at that time from a logistical
5 perspective how somebody at the
6 State Police could get switched
7 bands or is that what you needed
8 Captain Ober for?

9 A. Well, we needed Captain
10 Ober for --- because we had names
11 that came up in the tape recordings
12 that people who have already done
13 this --- in fact, it was alleged
14 that one was already in class.
15 There was a person in the training
16 classes. So we needed to verify
17 that. If that, in fact, was the
18 case, then we were going to have to
19 open up another investigation on the
20 politician who supposedly was
21 responsible for that. So we weren't
22 --- our investigation at that point
23 appeared to be broadening. And we
24 needed to determine if there were
25 other players involved, so that we

35

1 needed to talk to him. Plus, you
2 know, my supervisor felt that it was
3 time to bring them in, so that they
4 can start taking a look, too.

5 Q. So that who could start
6 taking a look?

7 A. The State Police.

8 Q. So that they could do
9 their own investigation?

10 A. Sure, yeah.

11 Q. Did you have any
12 discussions with Captain Ober about
13 whether or not he could tell his
14 Major, the person in charge of the
15 Bureau of Professional
16 Responsibility, about your
17 investigation?

18 A. No.

19 Q. Did you have any
20 discussions with him about --- where
21 you told him you couldn't tell
22 anybody within the State Police
23 about it?

24 A. No, we trusted his
25 judgment basically that, you know,

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1 here's the information and you know
2 where we're going. We're conducting
3 our own investigation here. And
4 ---.

5 Q. Did you essentially leave
6 it up to him to decide who within
7 the State Police should know about
8 it?

9 A. That's correct.

10 Q. Now, reviewing information
11 from an interview you gave on May
12 25th of 1999, although it's not an
13 exact transcript of your interview,
14 and one on June 30th of --- a
15 follow-up interview on June 30th of
16 1999, do you think that reviewing
17 that at all would help you remember
18 any of this?

19 A. Okay.

20 Q. Because I don't want you
21 to think I have something I'm
22 looking at that you can't.

23 A. Okay.

24 Q. That's what I'm looking at
25 in case you were wondering.

1 A. That's fine.

2 Q. In any event, when you
3 were interviewed about this
4 previously by Major Williams of the
5 State Police back in 1999 ---

6 A. Okay.

7 Q. --- you had indicated that
8 when you contacted Captain Ober,
9 that the information you had was
10 that Trooper Stanton wanted to make
11 arrangements through a state Senator
12 or state representative?

13 A. Uh-huh (yes).

14 ATTORNEY BAILEY:

15 Let me object to the
16 form of the question. I
17 suggest that this
18 gentleman should be
19 provided copies of what
20 another person put down as
21 remarks attributed to
22 him. I ---.

23 ATTORNEY GUIDO:

24 I'm going to rephrase
25 my question. Okay?

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1 ATTORNEY BAILEY:

2 I very much object to
3 characterizations to the
4 effect that you said.
5 He's a highly qualified
6 professional FBI agent
7 with years of experience,
8 he should be able to see
9 what someone wrote down
10 and said that he said
11 before he's questioned
12 about it.

13 BY ATTORNEY GUIDO:

14 Q. I don't think I ever said
15 you couldn't see it; did I? But in
16 any event, what my question is if
17 you --- do you recall telling Major
18 Williams that a state representative
19 or a state senator was the person
20 that you had information that they
21 might be able to get?

22 A. That's right.

23 Q. That sounds right to you?

24 A. That sounds right.

25 Q. So after you had that

1 information --- that fits with what
2 you said.

3 A. Well, we really had no
4 jurisdiction in the bribery at that
5 level, so there was no --- there was
6 no way we could prosecute Kipp
7 Stanton.

8 Q. What would you have had
9 jurisdiction over?

10 A. We were --- any corruption
11 in the contact, extortion.
12 Basically, it has to be them
13 extorting money. In other words, it
14 would be the representative or the
15 legislator or public official or
16 whatever, saying, oh, we can do that
17 for you, but we need to have this
18 much money.

19 Q. And I think you said was
20 it Captain Ober who pointed out to
21 you the mention of Lieutenant
22 Colonel in the governor's office?

23 A. Uh-huh (yes). When we
24 played that, he keyed in on that
25 real quickly because we don't know

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1 what --- we did not know what the
2 structure was or how the hierarchy
3 in the Academy was or anything
4 else. And we were relying on his
5 expertise to be able to determine
6 if, in fact, there was somebody in
7 the training class right now whose
8 name we had at the time, to verify
9 that information and determine
10 whether this investigation would go
11 further, would expand, or whatever.

12 Q. Okay. So again, if that
13 tape wasn't made until sometime in
14 mid October, it would have been
15 sometime after mid --- that would be
16 the earliest?

17 A. He would not have ---
18 yeah. If that was the tape, yeah,
19 then he would ---.

20 Q. That would be the earliest
21 that you would have had this
22 discussion with Captain Ober?

23 A. Oh, sure.

24 Q. About possibly a
25 Lieutenant Colonel?

1 A. Uh-huh (yes).

2 Q. Or someone in the
3 governor's office being involved?

4 A. That's the first time. We
5 were dealing mainly at that point
6 with legislators.

7 Q. Okay. And so at the time
8 you made the first initial telephone
9 contact with Captain Ober, did you
10 have any reason to believe based on
11 anything you had from your informant
12 or anything else you had in your
13 investigation to that date that the
14 command staff of the State Police or
15 someone in the governor's office was
16 involved in this corruption?

17 A. We wouldn't have, no.

18 Q. And in the end, was
19 anybody --- were you able to
20 establish whether anyone on the
21 command staff or anybody in the
22 governor's office was involved in
23 political corruption?

24 A. No.

25 Q. And we talked briefly

1 about a meeting. I can't remember
2 how much you --- that you recalled
3 about when you met with the people
4 from organized crime.

5 A. Uh-huh (yes).

6 Q. Do you remember anything
7 about that discussion?

8 A. Not really. We
9 were talking in pretty much
10 generalities about areas that we
11 were looking ---.

12 Q. Did you have any
13 discussion with them about how
14 something like this might be able to
15 happen; do you recall?

16 A. No.

17 Q. Is that no, you didn't or
18 no, you don't remember?

19 A. No, I don't remember.

20 Q. Okay. I just wanted to be
21 clear which one it was. Okay. When
22 you met at the Bedford meeting, can
23 you describe that for me, when you
24 met at Bedford and you ---

25 A. Uh-huh (yes).

1 Q. --- went over tapes?

2 A. Yeah. It was a --- it's
3 one of the meeting rooms they had
4 available for us. We played pretty
5 much, if not all, of the whole ---
6 the tape that we had. And ---.

7 Q. The meeting room, where
8 was that? I didn't catch that.

9 A. In Bedford. It was at the
10 barracks at Bedford or Breezewood,
11 whatever you call it.

12 Q. Oh, a State Police
13 barracks?

14 A. Yes, it was.

15 Q. Okay: Sorry.

16 A. Sorry. And we played it.
17 And I believe we --- I think we gave
18 Captain Ober a copy of the tape at
19 that point. And I told him that I
20 would --- as we --- I think we may
21 have had some other ones available.
22 I told him that I would provide him
23 with transcripts and copies of the
24 tapes.

25 Q. Did you provide those?

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1 A. Yeah, I remember writing
2 up a communication and sending him
3 transcripts and possibly the tapes
4 that we had at that --- we had
5 transcribed at the time.

6 Q. Did you have at that time
7 --- that's when you met at the
8 Bedford or wherever that barracks
9 was?

10 A. Uh-huh (yes).

11 Q. Did you have a discussion
12 with Captain Ober about how
13 something --- from a logistical
14 perspective, how something like this
15 could work?

16 A. We --- yeah, we probably
17 did, yeah.

18 Q. And do you recall whether
19 you had ideas about how that would
20 work or whether Captain Ober had
21 ideas?

22 A. Yeah, we had no --- we had
23 no idea how it would work, so he was
24 the person who had the knowledge of
25 how --- the mechanics of how the

1 whole process goes. And, in fact, I
2 guess what Kipp Stanton and Bridge
3 knew about the process, it was
4 pretty accurate.

5 Q. So was it Captain Ober who
6 suggested to you that somebody in
7 the governor's office or somebody, a
8 Lieutenant Colonel, could possibly
9 have something to do with it from a
10 logistical perspective?

11 A. Probably, yeah. I think
12 it might have come up that the ---
13 that it was possible that the tests
14 were --- and the whole process was a
15 controlled process, and only certain
16 people could get into the vault or
17 the safe where the exams and the
18 bands and the results and everything
19 were kept. But it was a
20 restrictive thing. And I recall him
21 saying that, yeah, yeah.

22 Q. You mentioned that
23 whatever Captain Ober told you about
24 the process seemed similar to what
25 Kipp Stanton had been saying about

1 it?

2 A. Uh-huh (yes).

3 Q. What did Captain Ober tell
4 you about the process and who could
5 potentially change the scores?

6 A. Well, they supposedly
7 weren't ever able to be changed.
8 Once they were scored, they were
9 scored. But there was some --- I
10 think there was some possible ---
11 some possibility that they --- the
12 list maybe or the band could be
13 changed or somebody could be put
14 into another band. I don't know if
15 a hard copy existed of the exam or
16 whether it was destroyed. It was
17 possible. Unlikely, but possible.

18 Q. Did Lieutenant --- I mean
19 not Lieutenant, did Captain Ober ---
20 did you discuss what --- how he knew
21 about what the process was and
22 whether or not it was possible?

23 A. No, we didn't know --- I
24 didn't ask him how he knew.

25 Q. In other words, ---?

1 A. I don't know that he was
2 an expert in it, either. I mean, he
3 knew it ----.

4 Q. That's what I'm saying.
5 Did you ask him, hey, could you
6 check out how it works and he came
7 back and said, hey, I looked into
8 it, and this is how the process
9 works, anything like that?

10 A. I think he knew a good
11 deal about how it worked. He needed
12 to check the people who were already
13 in the class to verify a name
14 because I think there were like
15 possibly maybe two different names
16 came up in the investigation that
17 --- troopers who had bought their
18 way in. So he ----.

19 Q. Were ----?

20 A. That was a critical thing
21 we needed to have at that point.

22 Q. When you said that Captain
23 Ober knew how the process worked, do
24 you know the source of his knowledge
25 about how the process worked?

1 A. No, I don't.

2 Q. Did you have any
3 discussions about that?

4 A. If we did, it wasn't
5 important.

6 Q. Or did he just essentially
7 explain to you his understanding of
8 how it all worked?

9 A. I don't --- I can't answer
10 that. I don't know how --- what,
11 you know, how he knew what he knew.

12 Q. That's what I'm asking.

13 A. I don't know how he knew
14 what he knew.

15 Q. And who did Captain Ober
16 suggest might have been able to
17 affect the outcome of who got into
18 the Academy?

19 A. There was somebody within
20 the hierarchy, if I remember
21 correctly. I think he had a little
22 conflict internally with what was
23 the situation because his --- all
24 his --- supervisor, not his direct
25 supervisor, but ultimately someone

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1 up the chain of command also had
2 responsibility for the training
3 classes and the handling of the
4 information, the banding and
5 everything else, so there was --- I
6 think my recollection is that there
7 was some concern there, but we
8 couldn't get --- we didn't want to
9 get into that. I mean, that wasn't
10 what we were about. We were about
11 the public corruption end of it, the
12 legislators.

13 Q. The conflict within his
14 chain of command, was that something
15 he described to you?

16 A. Well, when he heard the
17 detail in which these people knew
18 how the function, the process
19 worked, and the name --- there was a
20 Lieutenant Colonel, if that's what
21 it was, if that came up, I think
22 that, you know, caused him some
23 concern.

24 Q. I guess maybe I'm not
25 phrasing my question real well.

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1 What I'm asking is, did you have any
2 reason, other than what he told you,
3 to be concerned?

4 A. No.

5 Q. Or to think there was a
6 conflict?

7 A. No.

8 Q. In other words, the
9 information was coming from Captain
10 Ober?

11 A. That's right.

12 Q. He was describing such a
13 conflict to you?

14 A. Uh-huh (yes).

15 Q. And did you have any
16 reason to think that his immediate
17 supervisor, the director of Bureau
18 of Professional Responsibility,
19 would have any involvement in such a
20 scheme?

21 A. No.

22 Q. Did you --- Trooper
23 Stanton had come from a troop out
24 west. Did you have any concern that
25 Trooper Stanton's troop commander

1 was somehow involved?

2 A. No.

3 Q. Any information along
4 those lines?

5 A. No.

6 Q. And what information did
7 you --- how did Captain Ober
8 describe to you that somebody in the
9 governor's office could have any
10 role in who got into the Academy and
11 who didn't?

12 A. I don't recall that.

13 ATTORNEY BAILEY:

14 You don't recall that
15 he did so; isn't that
16 correct? And I object to
17 the question.

18 BY ATTORNEY GUIDO:

19 Q. What I'm asking you is,
20 did --- you mentioned, first of all,
21 he said on the tape that he was ---
22 was significant about the Lieutenant
23 Colonel and the governor's office?

24 ATTORNEY BAILEY:

25 Who said on the

1 tape? Who said on the
2 tape?

3 BY ATTORNEY GUIDO:

4 Q. You mentioned, sir, that
5 Captain Ober said when he heard the
6 words Lieutenant Colonel or
7 governor's office that he was the
8 one who pointed out the significance
9 of that to you. So we just talked
10 about the significance of the
11 Lieutenant Colonel. Now, I'm
12 turning to what was the significance
13 of the fact that somebody in the
14 governor's office was mentioned on
15 the tape, how did that coalesce with
16 the system as Captain Ober described
17 it to you?

18 A. At this point, I can't
19 recall when the first mention of the
20 governor's office would have
21 occurred. I don't think that it
22 occurred at that first meeting.
23 That's my recollection right now. I
24 don't think it occurred then, but it
25 --- subsequently it did come up,

1 but I can't recall when.

2 Q. And once he described this
3 process, again, did you have any
4 conversation with him about, oh, if
5 the Lieutenant Colonel could do it
6 or this or that, we don't want you
7 to tell them?

8 A. No.

9 Q. Did you have any
10 discussion about that?

11 A. No. That's ---.

12 Q. Did you leave that
13 completely to his discretion?

14 A. Yes.

15 Q. What else, if anything, do
16 you recall about that initial
17 meeting at the barracks in Bedford
18 --- in the Bedford area?

19 A. I came away from the
20 meeting with a feeling that he would
21 not do anything to disrupt our
22 investigation. I think he was, you
23 know, concerned about the whole
24 situation, and he was also concerned
25 about our investigation that we ---

1 we perceived that anything he would
2 do would not disrupt what we were
3 doing.

4 Q. And, again, you left that
5 to his discretion?

6 A. That's right.

7 Q. As to who could or might
8 not --- who should or should not be
9 told?

10 A. That's correct.

11 Q. And you didn't give him
12 any advice on that subject?

13 A. No. As I said, I think he
14 was sensitive to our investigation.

15 Q. Right. I understand what
16 you're saying. When's the next
17 time you had any sort of discussion,
18 whether in phone or by person with
19 Captain Ober?

20 A. Periodically, we would ---
21 we would talk on the telephone, just
22 basically where --- you know, what
23 was going on. Not often. And I
24 couldn't even tell you how often it
25 would have been or when it would

1 have been. But we had a subsequent
2 meeting with Captain Ober. And that
3 was after we had done a
4 videotaping. We had two videotapes
5 now, and I can't recall whether we
6 had them both at the meeting or not,
7 but we had videotape of the meeting
8 with our cooperating witness, Bridge
9 and Stanton in the cooperating
10 witness' place of business. And the
11 --- there was a payoff made.

12 Q. Yes.

13 A. Now, I don't recall
14 whether we had both of those at the
15 time when we spoke with Captain Ober
16 in Indiana or not, but we showed him
17 videotapes at that point. We
18 probably --- I think we probably had
19 the payoff. I can't say for sure,
20 but I think we probably did.

21 Q. When you met with him in
22 Indiana, where was that meeting at?

23 A. It was a Holiday Inn, I
24 think, maybe.

25 Q. Why was it at a Holiday

1 Inn?

2 A. That was selected by
3 Captain Ober.

4 Q. Okay. Because this was
5 your investigation; correct?

6 A. That's right.

7 Q. From your perspective, was
8 there any reason that you couldn't
9 have met at your office to discuss
10 this?

11 A. No. I think we tried to
12 keep it sort of halfway, so he
13 didn't have to travel as far, maybe,
14 in ---.

15 Q. But I mean, was that ---
16 with the meeting being in the hotel,
17 was that based on you, meaning the
18 FBI's, concerns for confidentiality?

19 A. No. We needed a place
20 where we could play the video
21 basically. That's all.

22 Q. And that could have been
23 anywhere that you had a videotape?

24 A. Uh-huh (yes). Yes.

25 Q. Again, do you know why a

1 hotel room was chosen, as opposed to
2 the State Police Barracks?

3 A. No.

4 Q. Would you have had an
5 objection of going to the State
6 Police Barracks?

7 A. No.

8 Q. Did you have any other ---
9 go ahead.

10 A. I could comment on that.
11 I --- the place or the person who
12 supposedly bought the job and was an
13 active trooper maybe or in the
14 Academy, was from Indiana.

15 Q. Okay.

16 A. So I think ---.

17 Q. And could you ---?

18 A. Maybe you might not want
19 to do this thing in the Indiana
20 Barracks, but you could probably do
21 it in some other barracks.

22 Q. That's what I'm asking.

23 A. Yeah.

24 Q. You're in Pittsburgh, he's
25 in Harrisburg. You meet someplace

1 in between?

2 A. Sure.

3 Q. Indiana wouldn't really be
4 the most direct route, anyway; would
5 it?

6 A. No.

7 Q. So it being in Indiana as
8 opposed to where you met the time
9 before, why Indiana?

10 A. I don't know. That
11 doesn't --- I can't recall right now
12 if there was a reason or not.

13 Q. Okay.

14 A. It doesn't seem there was.

15 Q. I'm just thinking if the
16 guy's from Indiana and the reason
17 you're meeting some place other than
18 headquarters is because you want to
19 be halfway in between, I mean you
20 could hop on the turnpike, it seems
21 like there could be someplace else.
22 How did it end up in Indiana; do you
23 know?

24 A. No, I don't know.

25 Q. Did you choose the place?

1 A. No.

2 Q. Who did?

3 A. Captain Ober.

4 Q. He did. Did he make ---?

5 ATTORNEY BAILEY:

6 You could have met in
7 Florida; couldn't you?

8 A. That would have been
9 nice.

10 BY ATTORNEY GUIDO:

11 Q. Did he make --- who made
12 the arrangements for the hotel room?

13 A. Captain Ober did.

14 Q. Did you have any other
15 conversations with Captain Ober
16 about the investigation?

17 A. As I said, the --- you
18 know, periodically we would, you
19 know, talk on the telephone. I
20 think at one point, when it was
21 fleshed out that there was no ---
22 did not appear to be any corruption
23 on the part of any legislator, local
24 legislator, that, you know, he was
25 advised. I can't recall what was

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1 --- because what happened at the
2 point I was transferred around
3 myself, and I had --- I worked on
4 some other matters, and I wasn't
5 ---.

6 Q. Did your transfer have
7 anything to do with this case?

8 A. No.

9 Q. Did your transfers have
10 --- any of your transfers have
11 anything to do with the way you
12 handled this case?

13 A. No, I don't think so.

14 Q. Did you --- were you ever
15 advised by anyone that Commissioner
16 Evanko was upset about the way the
17 case had been handled?

18 A. I had heard that or read
19 that in a newspaper and --- but I
20 don't believe that I was assigned to
21 the different duties based on that,
22 that it was because ---.

23 Q. That's what I'm asking.

24 A. The needs of the Bureau
25 basically, my expertise.

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1 Q. Didn't have anything to do
2 with how this case turned out or
3 anything like that?

4 A. I don't think so.

5 Q. Okay. When were --- when
6 did you say you were transferred?

7 A. I was assigned to work on
8 a --- I think there was a --- it was
9 the First National Bank of Keystone,
10 I was sent down there to work on
11 that bank failure. I'm an
12 accountant.

13 Q. Okay.

14 A. And I think they wanted my
15 expertise down on that. And even
16 prior to that, I was working on
17 another major political or corrupt
18 --- corrupt activity going on in
19 Pittsburgh, and they wanted me on
20 that because of my accounting
21 background. And those two kind of
22 blended together. And then I also
23 was sent --- I was transferred out
24 to the surveillance squad.

25 Q. Now, there --- you said

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1 you read about it in the paper. Do
2 you remember what you read in the
3 paper?

4 A. Yeah, I can't remember
5 exactly, but it was to the effect
6 that both of the agents who were
7 involved in this case were
8 transferred.

9 Q. Do you know if it was an
10 article related to a lawsuit, not
11 this lawsuit, but another lawsuit
12 that had been filed by Captain Ober?

13 A. I can't recall what it
14 was. It --- I ---.

15 Q. You don't even remember
16 what kind --- what paper it was in?

17 A. No.

18 Q. That ---.

19 ATTORNEY BAILEY:

20 Hold on. Hold on a
21 second, please.

22 ATTORNEY GUIDO:

23 Sure.

24 ATTORNEY BAILEY:

25 Thank you.

1 BY ATTORNEY GUIDO:

2 Q. Prior to the time that
3 this federal lawsuit was filed,
4 there was a whistle blower lawsuit
5 filed in Pennsylvania courts.
6 During the time frame of that
7 lawsuit, did you have any
8 discussions with Captain Ober about
9 the case?

10 A. He had --- I think we had
11 a telephone call. I think he had
12 reached out for me, I think.

13 Q. Do you remember what that
14 was about?

15 A. I can't recall exactly
16 what it was about. I think ---
17 mainly I think it might have been
18 because of his --- of the lawsuit
19 that he ---.

20 Q. That he had filed?

21 A. That he had filed. And
22 that ---.

23 Q. But the State Police
24 investigation was no longer pending,
25 was it; do you know?

1 A. As it regarded the --- as
2 Kipp Stanton?

3 Q. Yes.

4 A. I can't recall.

5 Q. At the time that you spoke
6 with him, do you know whether or not
7 he had been transferred out of
8 Internal Affairs by then?

9 A. Uh-huh (yes). Yeah, he
10 had mentioned that he had been
11 transferred, and he had mentioned
12 that there was a --- they created a
13 position, I think, in the Washington
14 barracks.

15 Q. Uh-huh (yes).

16 A. And they were --- they
17 were trying to assign him there, and
18 it was not a position that was a
19 Captain's position. And he didn't
20 feel good about that.

21 Q. During that conversation,
22 did you at any time imply that your
23 transfer had anything to do with the
24 way that the case was happening ---
25 happened or the way that Colonel

1 Evanko was upset about what had
2 happened with the case?

3 A. I think that I knew about
4 that allegation or that statement.
5 And probably --- and Captain Ober
6 probably brought that up, and I told
7 him that there's no way that that,
8 you know, that that could be ---
9 that he could affect this
10 organization.

11 Q. That's what I was asking.

12 A. Yeah.

13 Q. So you wouldn't have told
14 him that you were transferred
15 because of anything that happened
16 with that case?

17 A. No, I would not have said
18 that.

19 Q. And did you --- I don't
20 remember whether you said the case
21 had been completed or not completed
22 by the time that you were
23 transferred?

24 A. It was not completed.

25 Q. Who took over the case?

1 A. John Kelly.

2 Q. John Kelly?

3 A. John Kelly, an agent.

4 Q. So would it be after Kelly
5 took over that it was finally
6 decided to close out the
7 investigation and hand it over to
8 State Police?

9 A. That's correct.

10 Q. All right. Did you ever
11 --- do you have any recollection of
12 ever discussing your investigation
13 with Sergeant Dana Sifner (phonetic)
14 from Internal Affairs Division?

15 A. She's out in Harmarville;
16 right?

17 Q. I believe so.

18 A. Yeah, I think I probably
19 have. It was, you know, late ---.

20 Q. Do you know?

21 A. Late in the
22 investigation.

23 Q. Do you know if you
24 provided her with any reports,
25 names, any ---?

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1 A. Oh, I think so, yeah.

2 Q. Do you remember what?

3 A. Or maybe she already had
4 them. I can't recall. But she was
5 --- yes, she had them. Now, whether
6 I had given her more or whether John
7 Kelly had, I can't recall. But she
8 had --- she had access to them.

9 Q. Okay. Were you present
10 for a State Police criminal
11 investigation --- in a criminal
12 investigation, a State Police
13 interview with Trooper Stanton or
14 with your confidential informant?

15 A. Yes.

16 Q. Do you know when that
17 was? August --- because I have a
18 date, I'll ask you if it rings a
19 bell, August 6th of '99. Does that
20 sound approximate ---?

21 A. If that's when we had ---
22 I think we did both of them, Bridge
23 first.

24 Q. Oh, together?

25 A. No, separate.

1 Q. Oh.

2 A. Bridge first was brought
3 into the Harmarville office on some
4 ruse, and we confronted him at the
5 time, and he ---.

6 Q. Why --- go ahead.

7 A. And he admitted what was
8 going on.

9 Q. Why were you --- both
10 agencies doing that in sort of a
11 joint interview or why were you
12 present?

13 A. Well, we --- I guess to
14 see if anything developed. We ---
15 you know, if anything else developed
16 out of it that we would have an
17 interest in because basically at
18 that point it was the State Police's
19 case. It was a local case.

20 Q. Now, that --- I guess
21 that's why I was actually a little
22 confused. I thought you were
23 transferred before the investigation
24 was complete.

25 A. I was fluid at the time.

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1 I was moving around. And I'm ---
2 I'm pretty sure I was brought back
3 into the office. I may have been.
4 But then I would --- we're flexible
5 when we --- wherever we're needed,
6 we just would go. And it could have
7 possibly been I was still assigned
8 to the surveillance unit, and I just
9 broke away from that for this
10 interview in this situation. But I
11 can't recall exactly where I was at
12 that ---.

13 Q. But at some point, the FBI
14 case was complete and ---

15 A. Uh-huh (yes).

16 Q. --- it was turned over to
17 State Police; is that what happened?

18 A. You know, if John --- John
19 Kelly would be a better person to
20 ask that.

21 Q. Okay.

22 A. It could possibly. I
23 can't recall. And I haven't
24 reviewed the case in a long, long
25 time. It could possibly have been

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1 totally fleshed out. And then,
2 again, maybe it wasn't. I can't
3 recall exactly. I think that the
4 legislator that we had in mind that
5 had been approached, discussed this
6 matter, whether that had been
7 completely fleshed out or not at
8 this point, I just --- I can't say
9 for sure.

10 Q. Who made --- do you know
11 who made the decision to give the
12 case to the State Police, as opposed
13 to the FBI handling it?

14 A. Well, this particular
15 phase of it, we had no --- you know,
16 no jurisdiction in it. And in my
17 --- it's very likely that we ---
18 that we already had determined that
19 there was no political corruption
20 involved, and that's why we did
21 that. Then again, it's also
22 possible that maybe we're going to
23 use these people further on. But I
24 don't think so. We probably --- we
25 probably had that completely

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1 addressed at that time. And then
2 this would be the next phase to take
3 down.

4 Q. Well, did there come a
5 point where you would have gone to
6 Captain Ober and said, look, we've
7 determined that it's just a state
8 trooper?

9 A. Uh-huh (yes).

10 Q. And go ahead and tell,
11 it's okay, fine, to tell the
12 Commissioner now about it, anything
13 like that?

14 A. Oh, no. We wouldn't. I
15 didn't know who he had told or what
16 --- what had happened at this point
17 in time.

18 Q. So there wasn't no point
19 in time when you the FBI said, okay,
20 now you have our ---

21 A. No.

22 Q. --- you know, our
23 blessing?

24 A. No.

25 Q. Go tell your higher ups,

1 if you choose?

2 A. No, we wouldn't. We
3 wouldn't try to direct them.

4 Q. You weren't really in a
5 position to do that?

6 A. No.

7 Q. Then but there would have
8 --- was there a point where you or
9 was it Trooper Kelly told Captain
10 Ober, okay, we're done, it's just
11 the trooper?

12 A. I don't recall.

13 Q. Did you ever have a
14 discussion with Captain Ober about
15 --- about Commissioner Evanko
16 contacting Louis Freeh about this
17 situation?

18 A. I think the article even
19 said something there that he called
20 the director or ---.

21 Q. Did you have any --- I
22 mean, in other words, if Captain
23 Ober believed that happened, did he
24 get that information from you?

25 A. No, he wouldn't have

1 gotten it from me. I would have
2 gotten it from him if I --- if I
3 knew that and ---.

4 Q. You had no independent
5 knowledge that about --- did you
6 have any independent knowledge
7 whatsoever about who ---

8 A. No. No, I can't ---.

9 Q. --- Colonel Evanko may
10 have called?

11 A. No.

12 Q. Who, if anybody?

13 A. He didn't call me.

14 Q. Okay. Where your
15 superiors ever call you in and say,
16 Colonel Evanko called so and so at
17 the FBI and we're upset about it,
18 anything like that?

19 A. I did get a --- yeah, the
20 SAC of our office,.

21 Q. And who was that?

22 A. Rick Mosquera.

23 Q. Okay.

24 A. I had a discussion with
25 him regarding ---.

1 Q. And can you tell me about
2 that discussion?

3 A. I can't. I really just
4 --- it was not a --- he was
5 concerned. I think he may have
6 gotten a call from Evanko. I think
7 that way --- I don't recall if
8 anyone else was in that meeting with
9 us or not. And ---.

10 Q. Was the nature of that ---
11 I just want to know the tone and
12 nature of that meeting. Was the
13 tone of that meeting such as that
14 you had done something wrong or just
15 that Colonel Evanko was upset about
16 it?

17 A. No. I think it was just
18 that he was upset about it. And I
19 wasn't reprimanded or anything by
20 Mosquera.

21 Q. And as a result of Colonel
22 Evanko's call, to your knowledge,
23 did that have any bearing on whether
24 the FBI continued or didn't continue
25 to do the investigation into this

1 subject?

2 A. No, no.

3 Q. In other words, do you not
4 --- do you have any knowledge that
5 Colonel Evanko did anything to
6 truncate your investigation?

7 A. No.

8 Q. Do you have any knowledge
9 that anybody at the State Police did
10 anything to keep you from doing
11 anything ---

12 A. No.

13 Q. --- but the fullest and
14 most complete investigation
15 possible?

16 A. No.

17 Q. Just give me one minute.

18 A. Sure.

19 Q. There's just one area I
20 want to follow up with you a little
21 bit about something I'm not familiar
22 with.

23 A. Okay.

24 Q. So I want to get a little
25 more information if you have it.

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1 And you said that at early on in the
2 investigation, early on in your
3 contact with Captain Ober, you had
4 the names of some people that had
5 supposedly bought their way into the
6 Academy?

7 A. Uh-huh (yes).

8 Q. Do you remember who those
9 people were?

10 A. I don't recall the names.
11 I believe there was --- there were
12 two names mentioned. But that was
13 one of the real purposes of meeting
14 Captain Ober, was to verify that and
15 see if, in fact, somebody had gotten
16 --- bought their way in.

17 Q. To see if those two people
18 --- were those people that were
19 currently in the Academy?

20 A. That's correct. There was
21 one at the time that we had
22 information on. There was another
23 name subsequently mentioned. I
24 don't know that we had it at that
25 particular time when we talked with

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1 Captain Ober the first time. But
2 they were from Indiana, I think.

3 Q. The people were from
4 Indiana?

5 A. That's correct.

6 Q. And one of those people
7 from Indiana was, in fact, in the
8 Academy?

9 A. That's what was --- we
10 were led to believe by the --- I
11 think it was the information was
12 either coming directly from Bridge
13 or it was coming from Bridge through
14 Stanton.

15 Q. Was Captain Ober able to
16 tell you whether or not that person
17 was, in fact, in the Academy?

18 A. He was able to determine
19 that that person was not there.

20 Q. Okay. That's, I guess,
21 where I was getting confused.

22 A. Yeah.

23 Q. I was thinking that you
24 said that one of the people actually
25 was in the Academy?

1 A. Yeah, we didn't know.

2 Q. So in other words, it was
3 your informant that said one of the
4 people was in the Academy, and
5 somebody else had been in the
6 Academy?

7 A. It was Bridge, I believe,
8 who was giving the names of people.
9 And we were getting them directly
10 off the tape.

11 Q. Right. Who gave the names
12 of John Doe?

13 A. John Doe, sure.

14 Q. John X?

15 A. Uh-huh (yes).

16 Q. Is there --- and then you
17 contacted Captain Ober and said ---

18 A. Uh-huh (yes).

19 Q. --- were those people
20 actually in the Academy. And it
21 turned out that neither one was in
22 the Academy?

23 A. That's right.

24 Q. Okay. Did Captain Ober
25 tell you anything about --- what did

1 he tell you, if anything, about what
2 he did to check that out?

3 A. He did it discreetly, but
4 exactly how he did it, I don't
5 know.

6 Q. Okay. You said that was
7 one of your first --- one of the
8 reasons you needed his help in the
9 first place?

10 A. Well that --- there was
11 two reasons.

12 Q. But I said one of the
13 reasons ---?

14 A. They needed to be brought
15 in and told what was going on.

16 Q. Okay.

17 A. And also that that
18 particular thing, we needed to
19 verify it.

20 Q. Did you ask him about that
21 on the phone or that was later at a
22 meeting?

23 A. I don't recall. We
24 probably --- I probably mentioned
25 the name more than once to him.

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1 Q. So ---?

2 A. Could have possibly been
3 on the phone before the meeting.

4 Q. Well, at the meeting, is
5 that when he was able to say they
6 weren't in the Academy or was that a
7 follow-up later?

8 A. I think it was follow-up.

9 Q. Maybe a phone call?

10 A. Probably.

11 Q. Did you have many phone
12 conversations over the course of
13 these months from October to May?

14 A. Uh-huh (yes), yeah. We
15 --- I couldn't say exactly how
16 many. But, you know, when there ---
17 when there was a need, we would have
18 communications because we were still
19 pursuing that, the legislator.

20 Q. What kind of things would
21 you need to talk to him about?

22 A. Well, as I said, the
23 second name did come up, so we had
24 to verify that. I don't know
25 whether the reason --- but maybe

1 just to keep him updated ---

2 Q. I was wondering because
3 you said ---?

4 A. --- you know, how and
5 where the case was going on.

6 Q. Do you remember, other
7 than giving him updates and the
8 instance where he told you you
9 needed to find out whether that
10 person was in the Academy, do you
11 remember any other instances where
12 you needed information from Captain
13 Ober?

14 A. I can't recall right now,
15 no.

16 Q. Hang on a second. One
17 thing I don't think I --- I think I
18 didn't clarify, during your initial
19 discussions with --- you know,
20 whenever you said you felt somebody
21 in the OPR needed to know about this
22 and et cetera, and that was the
23 other reason that you got ahold of
24 him. In other words, your reasoning
25 being a multi faceted one that you

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1 needed information, but also someone
2 there needed to know. Was there
3 ever a discussion about whether or
4 not the State Police should or
5 should not open their own criminal
6 investigation into --- either
7 criminal or Internal Affairs
8 investigation into Trooper Stanton's
9 conduct?

10 A. Well, we believed that
11 they would, you know, as soon as ---
12 as soon as we contacted them.

13 Q. Okay.

14 ATTORNEY GUIDO:

15 That's all I have
16 right now. Your witness.

17 EXAMINATION

18 BY ATTORNEY BAILEY:

19 Q. How are you today, Ralph?

20 A. Fine.

21 Q. Feeling good; are you?

22 A. Pretty good.

23 Q. Are you? Me, too. Few
24 questions for you.

25 A. Sure.

1 Q. I won't take too long. If
2 you, at any time during the period
3 of time that I ask questions, have a
4 concern or a curiosity about what
5 I'm asking, I want you to feel free
6 to --- I don't mind your questioning
7 me. It will save us time. It will
8 build a better fact record. I have
9 no desire to get distorted,
10 ambiguous, unsure, conjectural
11 information on the record. Okay?
12 What I want to get on here are some
13 facts and correct information, get
14 them in the proper sequence. And
15 for that reason, I do not mind at
16 any time if there's any confusion,
17 that you ask me. That goes for, by
18 the way, your attorney or opposing
19 Counsel. Okay?

20 A. Fine.

21 Q. All right, sir. Now,
22 you'd indicated that the original
23 investigation into Mr. Stanton
24 started or arose --- I'm sorry,
25 sometime on or about '95 or '96?

1 A. Well, I think the date
2 that she would have --- the other
3 Counsel would have mentioned
4 probably is more accurate.

5 Q. What Counsel --- what date
6 did she mention?

7 A. I didn't write it down.

8 Q. I didn't either. I
9 thought you said '95 or ---?

10 ATTORNEY GUIDO:

11 '94 to '95?

12 A. Yeah, somewhere in that
13 range.

14 ATTORNEY GUIDO:

15 '94 to 95 was the
16 date I mentioned.

17 BY ATTORNEY BAILEY:

18 Q. But not later than '96;
19 right? Right; Ralph?

20 A. I can't say that.

21 Q. You don't know that?

22 A. If I had my file, I could
23 give you exact times and dates.

24 Q. Okay.

25 A. I remember the situation

1 precisely when it first came up, but
2 I can't give you the date.

3 Q. Ralph, do you remember if
4 it was before 1998?

5 A. Oh, of course, it was
6 before that.

7 Q. Sure, it was. Because you
8 guys more or less dusted this thing
9 off in 1998. In other words, it
10 came up, Mr. Soohy had come in and
11 he looked at this and said, you
12 know, sort of laying sort of
13 stagnant, let's take a look at it;
14 right?

15 A. Well, the other matters
16 that were related to the cooperating
17 witness ---

18 Q. Right.

19 A. --- those pretty much had
20 fizzled, and this was one thing that
21 we should, you know, clear up.

22 Q. Right.

23 A. And get this resolved.

24 Q. Understood. Now, Ralph,
25 who had done that investigation for

1 the FBI, if investigation's the
2 right word, who had opened the file
3 or started the inquiry, whatever you
4 did, prior to 1996? Was it you?

5 A. Yes.

6 Q. Okay. Well, I --- okay.
7 Now, I'm just curious. You had
8 notified the State Police?

9 A. I had contacted the State
10 Police. That --- you could consider
11 that notification, I'm sure.

12 Q. What would you consider it
13 for?

14 A. I needed their assistance.

15 Q. Oh.

16 A. I needed the Claus Behrens
17 --- Claus Behrens. I needed their
18 assistance.

19 Q. You didn't remember that
20 name. Do you remember that name
21 now, Ralph?

22 A. Sounds very familiar.

23 Q. Does it? Okay.

24 A. I had contacted him,
25 because --- actually, I was led to

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1 him. I had contacted State Police
2 in Harrisburg when I found out that
3 this guy was a trooper. And I
4 needed to talk to someone to find
5 out if, in fact, there was an
6 investigation going on, and we were
7 getting in the middle of it. And
8 before we could even proceed with
9 this thing. And I was led to him.
10 I gave him a call, met with him in
11 his Greentree office, and we
12 discussed it. And he said that he
13 could verify if, in fact, there was
14 a State Police undercover going on,
15 and that was of a concern to us.

16 Q. Okay. And you immediately
17 cooperated with the criminal
18 investigation that the State Police
19 began; right?

20 A. I didn't know there was an
21 investigation begun at that point in
22 time.

23 Q. Well, when did you hear
24 Len Bodack's name first?

25 A. That name would have come

1 up in my investigation.

2 Q. Well, you said you did the
3 earlier one, too?

4 A. That's right.

5 Q. When --- okay. When?

6 A. I can't tell you exactly
7 when.

8 Q. Oh.

9 A. The name is not unfamiliar
10 to me. And ---.

11 Q. Okay. Well, let me ask it
12 this way.

13 A. Sure.

14 Q. Ralph, do you know whether
15 it was pre 1996 or perhaps post 1996
16 or post 1998?

17 A. Oh, it was post '98, of
18 course.

19 Q. That's good.

20 A. But the ---.

21 Q. That's good, Ralph,
22 because that may help explain some
23 things and reduce a lot of questions
24 I had to ask you.

25 A. Uh-huh (yes).

1 Q. When did Joe Preston's
2 name come up?

3 A. That name is not
4 unfamiliar to me either. But as it
5 relates to this matter, probably in
6 '98, probably whenever we
7 resurrected this particular phase of
8 the investigation.

9 Q. So prior to 1998, and
10 whatever you discovered after 1998,
11 after you resurrected --- borrow
12 your terminology, the investigation,
13 the Pennsylvania State Police had
14 been told about Mr. Stanton?

15 A. They were aware --- Mr.
16 Behrens was aware of Mr. Stanton.

17 Q. Do you know if they opened
18 any files, started any
19 investigations, created any records,
20 any documents?

21 A. I don't know what they
22 did.

23 Q. Do you remember if you
24 gave them any documents?

25 A. No, I didn't give them.

1 any.

2 Q. Okay. But you talked with
3 Mr. Behrens?

4 A. Uh-huh (yes).

5 Q. Okay. Now, let's move
6 ahead then to 1998. Okay? And let
7 me ask you just a few questions
8 about this. The Defendants in this
9 case have a number of questions for
10 you about this first telephone
11 conversation that you had. Do you
12 remember that?

13 A. The very first
14 conversation with ---?

15 Q. With Mr. Ober.

16 A. Uh-huh (yes).

17 Q. Okay? Remember that?

18 A. I can't remember it, but
19 I'll try to.

20 Q. Okay. Now, you were asked
21 questions on Direct about whether
22 there was information imparted to
23 Mr. Ober about whether state
24 legislators may have been involved.
25 Do you remember that? And my

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1 question, let you know where I'm
2 going, I just wanted if you can do a
3 chronology, it might save some time,
4 if you can do a chronology for us.
5 What I'm looking for, okay, is when
6 you became aware that legislators
7 might be involved, okay --- now,
8 wait, sir. Just save you some time
9 here.

10 A. Okay.

11 Q. Well, if you're anxious to
12 talk, you go right ahead.

13 A. Well, no.

14 Q. That's okay. You go
15 ahead.

16 A. We --- when we first got
17 the initial allegation, I suspected
18 that there would be legislators
19 involved. Now, I --- you know,
20 because ---.

21 Q. You know, I figured you
22 did.

23 A. And ---.

24 Q. Now --- I'm sorry?

25 A. So that would --- and any

1 discussion I would have had with
2 Captain Ober, the first ones, the
3 telephonic ones, would not be in
4 great detail, but there would
5 probably be enough detail to give
6 him, you know, a rough idea where we
7 were standing. And then at the
8 subsequent face-to-face meetings, we
9 would --- we would go into more
10 detail.

11 Q. Now, is what you're
12 telling us then that sometime on or
13 about the first conversation that
14 you had with Darrell Ober, which if
15 I understand it correctly was
16 sometime in very early October ---
17 or am I wrong?

18 A. It --- there would have
19 been at least one or more telephone
20 conversations prior to the
21 face-to-face meeting. If the
22 face-to-face meeting was in October
23 ---.

24 Q. No, I didn't say that. I
25 understand that initially there was

1 a telephone conversation?

2 A. Uh-huh (yes).

3 Q. That was initiated by you?

4 A. Uh-huh (yes).

5 Q. And that there was a later
6 meeting. We're going to come to
7 this October 13th date.

8 A. Okay.

9 Q. And the incredible ability
10 of Captain Ober to predict that a CI
11 --- I'm going to ask you about
12 that. Let me --- maybe a point of
13 departure here.

14 ATTORNEY KILLEEN:

15 Can I ---?

16 ATTORNEY BAILEY:

17 I'm sorry.

18 ATTORNEY KILLEEN:

19 Can I interrupt for a
20 second? I have an
21 emergency that I have to
22 handle right away. I have
23 to go right away. I
24 apologize to the
25 participants. Can I take

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1 about two minutes?

2 ATTORNEY BAILEY:

3 The only thing I'd
4 like is for him to stay
5 here.

6 ATTORNEY KILLEEN:

7 He's staying, I'm
8 going. I'll be right
9 back.

10 ATTORNEY BAILEY:

11 Not that I don't
12 trust Mr. Kush.

13 ATTORNEY KILLEEN:

14 I apologize.

15 VIDEOGRAPHER:

16 Are we suspending?

17 ATTORNEY BAILEY:

18 Yes, why don't we go
19 ahead.

20 VIDEOGRAPHER:

21 It is 12:27. We're
22 going to suspend this
23 deposition of Mr. Kush.

24 OFF VIDEOTAPE

25 SHORT RECESS TAKEN

1 ON VIDEOTAPE

2 VIDEOGRAPHER:

3 It is now 12:31. And
4 we're resuming the
5 deposition of Special
6 Agent Kush on March 14th,
7 2002.

8 BY ATTORNEY BAILEY:

9 Q. Mr. Kush --- I'm sorry?

10 A. Retired special agent.

11 Q. Mr. Kush, my understanding
12 is that the telephone call that you
13 placed to Mr. Ober occurred sometime
14 on or about the beginning of
15 October, 1998. Do you have any
16 reason to doubt that?

17 A. 1998? No, I don't. I ---
18 if that's the date that --- that's
19 probably right.

20 Q. Okay. Now, I thought that
21 Mr. Soohy --- very impressive man,
22 Mr. Soohy said that he had reported
23 to this area sometime on or about
24 the summer of '98, like August or
25 so; is that right?

1 A. Uh-huh (yes), sounds
2 right.

3 Q. Well, does that mean
4 between when he got here and when
5 you called Darrell Ober, you picked
6 up this information about Lenny
7 Bodack and Joe Preston and who knows
8 who else?

9 A. You have to understand
10 that I worked public corruption.

11 Q. Yes.

12 A. And I'm familiar with
13 names. Otherwise, I have --- I
14 wouldn't be able to work.

15 Q. You know, I have public
16 corruption files. I have names in
17 it, too.

18 A. But a lot of them, you
19 know, you hear them, you hear
20 allegations, you hear talk.

21 Q. Sure.

22 A. So I was not unfamiliar
23 with those names. So I --- I don't
24 know exactly when they would have
25 been connected to this particular

1 phase of the investigation.

2 Q. Well, here's why I'm
3 asking you, Ralph. When did you
4 first do the wire tapping? When did
5 you start the wire tapping? Was it
6 before you called Captain Ober?

7 A. Oh, yeah.

8 Q. Okay.

9 A. I think. I think I ---
10 let me go back.

11 Q. All right.

12 A. Probably. It's a ---
13 well, we had an extensive
14 investigation going, and, you know,
15 dozens of tape recordings.

16 Q. Right.

17 A. And ---.

18 Q. Does that mean you had
19 dozens of tape recordings when you
20 called Captain Ober in regard ---?

21 A. Maybe not related to this
22 particular matter, but to other
23 things.

24 Q. Okay.

25 A. In the whole, you know,

1 bigger investigation.

2 Q. All right, sir.

3 A. So I would have had some
4 tape recordings, I would guess.

5 Q. You made a mistake at one
6 point. In fact, you erroneously
7 erased part of a tape; didn't you?

8 A. Oh, gee. Let me ---.

9 Q. Didn't you do that?

10 A. I absolutely did.

11 Q. What tape did you erase?

12 A. I ---.

13 Q. I'm not saying it's a big
14 deal, Ralph. I just want to know.

15 A. It is a big deal.

16 Q. Is it?

17 A. Sure, it's a big deal.

18 Q. Well, what part of what
19 tape did you erase?

20 A. In the process of
21 duplicating the original telephone
22 conversation with Kipp Stanton ---

23 Q. Okay.

24 A. --- I put it into the
25 wrong slot in the duplicator.

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1 Q. Okay. When did it occur,
2 if you know?

3 A. I can't tell you. It's in
4 the file. And if you really need
5 it, I'm sure we can drag the file
6 out.

7 Q. No.

8 A. But it was --- it was very
9 early in my investigation after we
10 had done our search warrant, and we
11 had started debriefing the
12 cooperating witness.

13 Q. Mr. Bridges, or Bridge,
14 Bridges, whatever his name is?

15 A. No, this was the
16 cooperating witness. Bridge was the
17 ---.

18 Q. The CI?

19 A. The CI.

20 Q. All right. Now, sir, let
21 me ask you, you've already indicated
22 that at the time you called Captain
23 Ober ---

24 A. Uh-huh (yes).

25 Q. --- that you --- it was to

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1 you, it wasn't Stanton, it was a
2 public corruption case at that
3 point?

4 A. That's correct.

5 Q. That you suspected; is
6 that right?

7 A. Uh-huh (yes).

8 Q. All right. Now, the
9 Defendants --- and I want to take
10 your mind back to an investigation
11 done by Major Williams of the
12 Pennsylvania State Police. Remember
13 him talking to you?

14 A. Was that the name of the
15 officer that I spoke with out at the
16 Findley Barracks?

17 Q. Very distinguished
18 gentleman, tall, gray hair?

19 A. Uh-huh (yes).

20 Q. Yes, that would be him. I
21 guess that would be him.

22 A. I guess. Probably is.

23 Q. You and he are both tall
24 and good looking, so it must have
25 been --- whoever's best looking, I

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1 don't know. But that sounds like
2 Major Williams, a very, very
3 impressive gentleman. Now, the ---
4 this issue comes up with this date
5 of October 13th where this interview
6 took place supposedly --- not an
7 interview, I'm sorry, a tape, where
8 somebody mentions on this tape,
9 whether it's Stanton or the CI, or
10 somebody, mentions on this tape that
11 higher ups or the governor's office
12 or people in that sort of --- that
13 area, might be involved.

14 Now, you certainly
15 remember at some point a reference
16 being made to whether it was a
17 Lieutenant Colonel, whether it was a
18 Colonel, higher ups in the State
19 Police, whatever, governor's office,
20 those words, I think were --- you've
21 indicated were mentioned. But you
22 remember that that occurred at some
23 point; right?

24 A. It was on the tape.

25 Q. Yes. Now, in doing your

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1 investigation, did you learn that
2 Darrell Ober was dealing directly
3 with your CI? Was he working
4 directly with your CI, that you know
5 of?

6 A. I don't think so.

7 Q. Okay. Do you know whether
8 he was contacting any of the
9 principals in this thing, in your
10 investigation?

11 A. I don't think so.

12 Q. Well, in fact, you've told
13 us that Mr. Ober was concerned. And
14 I believe your predecessor told us,
15 predecessor in providing testimony?

16 A. Uh-huh (yes). Okay.

17 Q. Indicated to us that, in
18 fact, Mr. Ober, Captain Ober, was
19 concerned about the integrity and
20 the propriety of your investigation,
21 to respect it, and you indicated
22 that; didn't you?

23 A. He was sensitive to what
24 we were doing, yes.

25 Q. He was ---.

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1 A. As I would be sensitive to
2 what he would --- whatever he would
3 be doing.

4 Q. I would hope so.

5 A. Uh-huh (yes).

6 Q. As we should all be
7 sensitive to what we're doing now.
8 Now, my understanding is that you
9 don't recollect during the telephone
10 conversation with Captain Ober,
11 whether or not the possibility of
12 higher ups in the State Police or
13 the governor's office was discussed
14 at that point. You don't
15 recollect. Is that ---?

16 A. I don't think. I don't
17 think that was discussed. We were
18 concerned with the Legislature.

19 Q. Okay.

20 A. At the time.

21 Q. So if Captain Ober before
22 October 13th says to Colonel Hickes
23 that perhaps higher ups in the
24 Pennsylvania State Police or the
25 governor's office could be involved

1 or something to that effect, he's
2 incredibly perceptive because he's
3 predicting what the CI's going to
4 say on a tape recording made a week
5 later; right, if that occurred?

6 Now, if that occurred --- I'm not
7 ---?

8 A. I'll respond to that,
9 okay.

10 Q. Well, sure. You respond
11 to it. How would he know? It's
12 real simple.

13 A. Well ---.

14 Q. You're an investigator.
15 How would he know?

16 A. He would know the
17 process. He would know --- and I'm
18 not putting blame or anything on
19 anybody. But he knows the State
20 Police. He knows how they --- the
21 Academy works, how the positions are
22 filled in there. And I would only
23 know how the CI or whoever it would
24 be would --- he would have to affect
25 somebody in the process, in the

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1 hiring process. Now, who that
2 person would be, I wouldn't have any
3 idea. But perhaps Captain Ober knew
4 who would have to be affected.

5 Q. Yes, what you knew ---.

6 A. Basically he knows State
7 Police. I don't know State Police.

8 Q. But what you know --- what
9 you know?

10 A. All right.

11 Q. And today is altered by
12 the facts you uncovered in an
13 investigation. But what you knew
14 when you called Captain Ober was, at
15 least at the very least as a common
16 sense matter, was that a trooper in
17 southwestern Pennsylvania was not
18 going to be able to single-handedly
19 without any help manipulate an
20 Academy appointment up in
21 Harrisburg; right?

22 A. Sure.

23 Q. That was only --- I mean,
24 that's just basic common sense;
25 right? He had to have somebody

1 helping him?

2 A. Sure.

3 Q. Okay. Well, do you know
4 of any other facts communicated to
5 Captain Ober that would make him
6 aware, prior to October 13th, that
7 the governor's office might be
8 mentioned?

9 A. No.

10 Q. You don't know, but you
11 --- you feel pretty sure that you
12 didn't mention anything like that in
13 that first phone call?

14 A. I wouldn't have
15 mentioned. I --- I would have
16 thought if I would have mentioned
17 anything, that the Legislature, that
18 that's the only --- as far as the
19 governor, I --- that would have been
20 the furthest thing from my mind
21 maybe at that point. I was focusing
22 more on that area because that's a
23 fertile area.

24 Q. Sure. But it would be the
25 furthest thing from your mind ---

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1 well, the governor's office wouldn't
2 be a fertile area or Mr. Ridge's
3 administration wouldn't be. But the
4 governor's office, okay, wouldn't
5 --- it wouldn't necessarily mean
6 much to you in terms of what you
7 were looking at with the State
8 Police thing. So obviously unless
9 you had information about the
10 governor's office in when you first
11 called Darrell Ober, there's no
12 reason why you would think to
13 mention such a thing. And I'm sure
14 --- I'm sure that you would not do
15 so just, you know, for nothing. So
16 obviously, if your recollection is
17 the governor's office wasn't
18 mentioned, you didn't have
19 information about that when you
20 called Captain Ober, although it did
21 develop later and was mentioned on a
22 tape by a CI. Thank God it ended up
23 being untrue, but it was mentioned;
24 right?

25 A. If, in fact, the

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1 governor's office was mentioned on
2 the tape, I can't recall that now to
3 tell you the truth.

4 Q. All right, sir.

5 A. It might have been on
6 there, might not. But I recall
7 vividly that it was a Lieutenant
8 Colonel or some high ranking officer
9 whose name was --- not the name was
10 mentioned, but the position was
11 mentioned.

12 Q. Okay. Now, Ralph, that's
13 the reason I was doing this because
14 I was a little confused by your
15 responses to my learned colleague,
16 which --- did you indicate in your
17 responses to her that possibly
18 Mr. Ober had mentioned the
19 governor's office, that he had
20 brought that into this thing?

21 A. (Indicates).

22 Q. Well, then how did it come
23 into it?

24 A. I don't know.

25 Q. How did it come into it,

1 if it did?

2 A. It must have --- it
3 certainly didn't come from me, put
4 it that way.

5 Q. I'm sure it didn't come
6 from you, sir.

7 A. The governor's office.
8 The only ---.

9 Q. I'm certain it didn't come
10 from you. That's ridiculous.

11 A. Yeah.

12 Q. I'm talking about the fact
13 source. You tell us --- now, you
14 are an experienced FBI agent. And
15 if the facts in this case indicates
16 somebody mentioned the governor's
17 office on the tape and your
18 expertise is political corruption,
19 that didn't ring a bell, raise a
20 flag, you're telling us that you
21 don't remember?

22 A. I don't know that it's on
23 there. I don't know. I'd have to
24 listen to the tape that was done.
25 And the last time I listened to it

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1 was years and years ago. I don't
2 --- I don't recall it being on
3 there. Possibly it is. Maybe it
4 isn't.

5 Q. Okay.

6 A. But it --- as I said,
7 because of the type of person that I
8 was working with, his contact would
9 be with legislators as opposed to
10 the governor's office if he ---.

11 Q. Why?

12 A. Why? Because that's where
13 he is. He doesn't --- he's here in
14 Pittsburgh, and he's not in
15 Harrisburg. And there are
16 legislators ---.

17 Q. Well Doc Fielder's name
18 came up; right?

19 A. And there are legislators
20 --- well, he's a political person.

21 Q. Is he?

22 A. Uh-huh (yes).

23 Q. Okay. Well, you do
24 remember discussing --- or maybe you
25 don't, governor's office with

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1 Captain Ober? I thought in response
2 to opposing Counsel you indicated
3 ---?

4 A. If we did, it was not to
5 any length at all.

6 Q. Okay.

7 A. It was --- it might have
8 been mentioned. It wasn't discussed
9 in any detail. I can say for sure
10 it was not. It would have been in
11 passing that there's a possibility.
12 I --- the State Police --- probably
13 the commander of the State Police,
14 I'm sure, serves at the pleasure of
15 the governor. So as part of the
16 executive branch. And so if it did,
17 it --- you know.

18 Q. I mean, the legislators
19 were involved. And you might feel
20 that two elected democrats out in
21 Allegheny County might have an
22 effect on Colonel Evanko in a
23 republican administration. Maybe
24 through what, the appropriation
25 process, the way politics is done,

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1 do you think that maybe they would
2 have --- not necessarily Colonel
3 Evanko, but somebody in that State
4 Police hierarchy --- you didn't know
5 what the connection could be, but
6 you could envision the possibility
7 ---

8 A. Oh, sure.

9 Q. - - - that these kinds ---
10 this kind of corrupt activity could
11 occur; right?

12 A. That's right.

13 Q. All right. But you had
14 --- let's face it, when this
15 investigation was done, none of this
16 stuff turned out to be very
17 credible, and it sounded --- well, I
18 mean, from what I can tell when you
19 did the investigation, it didn't
20 turn out to be ---?

21 A. We weren't successful in
22 that ---.

23 Q. Okay.

24 A. We were successful in
25 determining that the individual that

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1 we thought might be able to effect
2 it, you know, did not.

3 Q. Yes.

4 A. And would not. That
5 doesn't --- that is ---.

6 Q. That's not Trooper
7 Stanton?

8 A. No.

9 Q. Okay.

10 A. That's the legislator.
11 That's not to say that there isn't
12 another person out there, another
13 legislator out there, who would try
14 to effect this.

15 Q. How closely did you look
16 at the governor's office?

17 A. We did not look at the
18 governor's office.

19 Q. Okay. All right. Now,
20 the conversation that occurred on or
21 about February 13th, the tape, did
22 --- you got that reduced to a
23 transcript at some point; right?

24 A. Well, I'm sure most of the
25 significant, you know, parts of that

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1 and some of them totally were
2 reduced, yeah.

3 Q. Well, how many transcripts
4 did you give Captain Ober?

5 A. I don't know. How many
6 there was ---.

7 Q. Well, why wouldn't you
8 give him all of them, sir?

9 A. Because was were still
10 continuing at that point in time.

11 Q. Oh. Well, did you give
12 him all of them at the end?

13 A. I didn't have the
14 investigation at the end, so I don't
15 know.

16 Q. Right. You were off it.
17 We'll get to that in just a minute.
18 But the investigation --- the part
19 of the investigation that you did,
20 the reference to --- was it
21 Lieutenant Colonel, I think, and
22 governor's office, which you're not
23 remembering --- you're not sure was
24 there?

25 A. I'd sure like to hear the

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1 tape, I could tell you for sure, and
2 look at the transcript. But the
3 Lieutenant Colonel, that position
4 came up that --- that reference to
5 that position came up in the tape.

6 Q. And you had indicated that
7 Captain Ober's ears perked up when
8 he heard that; is that right?

9 A. He was sensitive to that,
10 yes.

11 Q. You know, the feeling I
12 got when I saw that in Mr. Williams'
13 statement --- I don't know where
14 that feeling came from, whether it
15 was Mr. Williams. Mr. Williams
16 wrote a little statement about what
17 you told him.

18 A. Okay.

19 Q. I made reference to it
20 here earlier. Now, I didn't --- you
21 know, when I heard that, it sounded
22 like Captain Ober took a sudden
23 interest and that sort of thing.
24 But you seem to be telling me that
25 it wasn't --- the tape wasn't real

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1 clear?

2 A. Well ---.

3 Q. Or are you telling me the
4 tape was clear, and you had heard
5 the word Lieutenant Colonel, but it
6 takes Captain Ober to get interested
7 in that term if it's connected with
8 selling jobs at the Academy? I
9 don't understand.

10 A. Okay. I ---.

11 Q. You explain it for me.

12 A. If I were listening to a
13 tape which Captain Ober had made,
14 and it was discussing a similar
15 situation but in reverse order, as
16 soon as he --- the person would have
17 mentioned a special agent of the
18 FBI, I would have hit on that. I
19 mean, even if it was a little bit
20 garbled or whatever, I would have
21 hit on it very quickly because now
22 it's my organization that's being
23 possibly a problem with. And I
24 would be extremely sensitive to
25 that.

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1 Q. Okay.

2 A. And I would imagine that
3 the situation was reversed. And
4 when that --- when that happened,
5 when that --- when a position title
6 came up like that, he hit on it like
7 I would have hit on it as an FBI
8 agent being accused of something or
9 possibly something going on.

10 Q. Raises ---?

11 A. And I think that's why he
12 hit on it.

13 Q. Okay.

14 A. And I would have just ---
15 I'm just listening. I'm listening
16 to somebody explain a process. And
17 to me, it doesn't really mean
18 anything because I don't have --- I
19 can't attach it to anything yet,
20 whether it's valid or not.

21 Q. Okay.

22 A. But if, in fact, it raises
23 an allegation regarding our
24 organization and somebody mentions
25 an FBI agent, I would be very

1 A. Okay.

2 Q. If at the time you call
3 Captain Ober your common sense,
4 judgment and experience tell you
5 that Kipp Stanton is not going to be
6 able to engineer class appointments
7 for the Pennsylvania State Police
8 ---

9 A. Uh-huh (yes).

10 Q. --- and Soohy comes in in
11 August, you're making this call in
12 early October to Mr. Ober, and
13 there's mention of state legislators
14 or a Senator at the point that you
15 call Mr. Ober ---

16 A. Uh-huh (yes).

17 Q. --- I assume you would
18 have passed that on?

19 A. Passed what?

20 Q. That information or that
21 background information on to
22 Mr. Ober?

23 A. Ober, sure.

24 Q. Okay. All right. So the
25 question remains is when --- so the

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1 question that remains is when you
2 first became aware of higher ups in
3 the State Police, Lieutenant Colonel
4 in the State Police, somebody in the
5 State Police above Stanton, either
6 by rank or group or something, and
7 the governor's office, okay, when
8 you first became aware of that, and
9 then when you communicated that to
10 Captain Ober --- and that's what I
11 want to explore. Okay?

12 At some point obviously,
13 that became a piece of the
14 background here. Now, do you
15 remember if when you first heard
16 this tape, Lieutenant Colonel ---
17 apparently you played that for
18 Mr. Ober; right?

19 A. Uh-huh (yes).

20 Q. Did you have a transcript
21 with you?

22 A. Probably not. I don't ---
23 if, in fact, we made that tape like
24 the week or so before we played it
25 for Captain Ober, it probably was

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1 not --- we probably hadn't had parts
2 of it transcribed because it was
3 probably a fairly lengthy tape. And
4 it would have taken time to get that
5 done. And we just didn't get it
6 done.

7 Q. Well, when did you first
8 listen to it after you had it? I
9 mean, did you sit there and listen
10 to it while you were listening to
11 the conversation being made? In
12 other words, was it transmitted and
13 you were listening to it or did you
14 have your surveillance people do it
15 and you've got it after the fact?

16 A. No, I probably --- I
17 probably got it after the fact. At
18 times, I would have a transmitter
19 also, but I --- at this time, I
20 don't think I had a transmitter. I
21 think I was just picking it up after
22 it, after the fact.

23 Q. And you didn't like pick
24 up the phone right away and call
25 Captain Ober?

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1 A. No.

2 Q. And let him know, like,
3 hey, don't say anything to anybody
4 because this might involve some
5 officers high up in the State Police
6 or something like that?

7 A. No, no.

8 Q. Now, when you heard this
9 problem --- I mean, heard this thing
10 about possibility of State Police
11 hierarchy, Lieutenant Colonel, not
12 very many of them in the
13 Pennsylvania State Police, I can
14 tell you, maybe a handful, and you
15 heard the governor's office, if
16 indeed you did, because we're not
17 sure if you even heard it, you don't
18 know. You don't know if it's even
19 on the tape. But I assure you it's
20 on the tape.

21 A. Okay. Good.

22 Q. Okay. And if you
23 certainly had heard the governor's
24 office, although it wouldn't excite
25 you or raise a flag in your eyes

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1 maybe, I'm not saying it should, or
2 and you heard the term Lieutenant
3 Colonel, you went to Rick Mosquera,
4 right, and said, hey, this is a
5 touchy thing here, we need to ---
6 no?

7 A. No, we didn't do anything.

8 Q. You didn't do anything
9 like that?

10 A. No.

11 Q. When did you tell him?
12 When did you tell Rick Mosquera?

13 A. I don't know when
14 Mr. Mosquera got information about
15 the particular case. But I know
16 that he did when I was called into
17 his office. I would think --- I
18 don't know when he would have
19 learned about it. I don't know
20 whether Mr. Soohy discussed it with
21 him or not prior to --- I can't tell
22 you.

23 Q. Okay. Well, May 20th,
24 1999, when I called --- this is
25 Colonel Evanko. When I called FBI

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1 Agent Rick Mosquera, who is SAC in
2 Pittsburgh, this is when the ---
3 Captain Evanko learned from the FBI
4 when, okay, he had been informed by
5 Captain Ober about this
6 investigation, he and Colonel Hickes
7 had told --- Captain Ober and
8 Colonel Hickes had told the
9 Commissioner about it, and said it's
10 closed, and, you know, I couldn't do
11 anything because, you know, I ---
12 that's what they're saying, you
13 know, Hickes and Ober, you know, the
14 thing is about not compromising the
15 investigation, the proper thing to
16 do. Anyway, Colonel, when were you
17 advised of this? Evanko, May 20th,
18 1999, when I called FBI agent Rick
19 Mosquera, who is SAC in Pittsburgh.
20 Wertz, I don't know if you have it
21 there or if he gave you this
22 information. Did he ever mention to
23 you the specific date when Ober was
24 first advised of this? He just said
25 that it wasn't until October of '98

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1 that they got around to it and
2 decided to take a run at it, but he
3 didn't mention a specific date, just
4 around October of '98, and he got
5 that from the case agent. It would
6 have been either Kush or Kelly.
7 Kush, Kush, Kush.

8 Well, Mr. Evanko knew
9 something then. Evanko, Kush.
10 Wertz, did he ever mention to you a
11 specific that they, if you will,
12 turned the investigation over to
13 Captain Ober? No, he never
14 mentioned a specific date. I did
15 tell him that somebody would be
16 getting hold of him if he didn't
17 mind to sit down and get some facts
18 from him. I'm going to turn this
19 off for a second for you to read
20 through your notes. Okay? Okay.
21 Resuming the statement. As Special
22 Agent Mosquera talked to me about
23 this, he did tell me that Captain
24 Ober was concerned about, quote,
25 going anywhere, end quote, with this

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1 information. What he was implying
2 is as to who he should tell about
3 this information, who Captain Ober
4 should tell about this information.
5 Now, sir, this indicates that the
6 first time that Mr. Evanko called
7 Mr. Mosquera was May 20th, 1999, and
8 that Mr. Mosquera tells him that
9 Ober was concerned about where the
10 investigation would go. Now, who
11 would have told --- who would have
12 told Rick Mosquera and why would he
13 remember, if you know, Captain Ober
14 indicating his concern about where
15 he should go with the information?
16 How would Mr. Mosquera know that at
17 that time, if you and/or Mr. Soohy
18 hadn't discussed it with him or
19 somebody hadn't made an inquiry
20 before that; do you know?

21 A. Oh, we probably talked to
22 him, I would think.

23 Q. Why would you tell --- why
24 would you tell Mr. Mosquera that
25 Mr. Ober had a concern about who he

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1 should tell in the State Police?

2 A. I think because of the
3 fact that we had --- I mean, you had
4 a Lieutenant Colonel's position
5 mentioned. That's --- I would have
6 to think that that would be the
7 reason. I mean, there's a --- I
8 don't call his shots, Captain
9 Ober's. And he has to call his
10 own. And I --- maybe he just felt
11 uncomfortable. I don't know.

12 Q. You know, why you don't
13 get excited that much because it's
14 --- it's the normal course of an
15 investigation in your experience,
16 people say these things, about a
17 Lieutenant Colonel being mentioned.
18 It's not that you don't get excited
19 or concerned, I don't want to
20 downplay it, but it's --- you know,
21 you're an experienced guy, you've
22 been around, use of terms earlier
23 today, been there, done that, heard
24 this, done that, okay, that type of
25 thing. Okay. And now here's

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1 Mr. --- here's Mr. Mosquera in the
2 first call to the Commissioner, it
3 might have been the second call to
4 the Commissioner, talking about who
5 Captain Ober should tell about this
6 information.

7 Let me ask you something.
8 This is words to Mr. Evanko. During
9 the course of your conversation with
10 the SAC, did the SAC ever mention to
11 you anything specific with regards
12 to a particular rank within our
13 agency? No. He just talked about
14 Trooper Stanton. Okay. He never
15 mentioned anything with respect to a
16 particular individual, other than
17 Trooper Stanton? No. In fact, the
18 word --- he did tell me that it was
19 not systemic. Yeah, that's all I
20 have, that's all I have. What does
21 not systemic mean?

22 A. That it wasn't pervasive
23 throughout the whole State Police
24 system or the Academy, their
25 training facility. That's what I

1 would imagine.

2 Q. Okay. Mr. Williams says
3 at some point when he talked with
4 you, I think the first time --- he
5 had a number of conversations with
6 you, he must not have been satisfied
7 or something ---?

8 A. Mr. Williams?

9 Q. Yes. I mean, he came back
10 and sort of got ---?

11 A. I don't know. I think
12 there was only one face-to-face with
13 him, but ---.

14 Q. Okay. Well, that's
15 interesting. He says here at this
16 point in time, I specifically asked
17 Agent Kush if he ever asked or
18 stressed the need for discretion on
19 the part of Captain Ober discussing
20 the case with one --- anyone. Agent
21 Kush stated he did not recall asking
22 the Captain not to discuss the case,
23 but hoped he would not discuss it.
24 He stated that if Captain Ober did
25 not discuss this case, he supported

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1 his decision not to do so.

2 Now, why would you do
3 that?

4 A. What?

5 Q. Support Captain Ober in
6 not discussing the case with
7 someone.

8 A. I mean, it's --- what
9 would it be if I supported him or
10 didn't support him? I have no --- I
11 have no control ---.

12 Q. I'm not saying it has any
13 consequence, sir.

14 A. I trust --- I would say
15 that I trust his judgment. That's
16 basically what that means.

17 Q. You wouldn't want him to
18 inform a target or potential target
19 of an investigation that you were
20 looking at him; would you?

21 A. No. But I would hope that
22 he would --- that he would consider
23 everything.

24 Q. Oh, sure.

25 A. I ---.

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1 Q. And you said you supported
2 his decision not to do so. So
3 whatever you were considering, you
4 must have thought he was considering
5 the right things?

6 A. That's his --- that was
7 his ball game there.

8 Q. Okay.

9 A. So I really have to trust
10 his judgment.

11 Q. Kush stated he believed he
12 met with Captain Ober on two
13 occasions. Any more than two
14 occasions?

15 A. Personally twice.

16 Q. Personally twice. He did
17 not recall specific dates, but the
18 dates may be in his report. On one
19 occasion, he and Ober reviewed a
20 tape where Bridge mentioned that if
21 a politician would help him, he ---
22 the politician ---?

23 A. Oh --- go ahead. I'm
24 sorry. I just remember that Bridge
25 now saying that, go ahead.

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1 Q. Okay. Would apparently
2 have talked to some Lieutenant
3 Colonel. No name was ever
4 mentioned. Trooper Stanton then
5 replied, the person who eyeballs.
6 The rest of the comment was
7 unintelligible. Agent Kush
8 distinctly remembers that when the
9 title of Lieutenant Colonel was
10 mentioned, his ears really perked
11 up. Now, see that pronoun his. Was
12 it your ears or Captain Ober's ears?

13 A. Captain Ober's.

14 Q. Captain Ober's. Your ears
15 had already perked up, but they had
16 calmed down by that time or had they
17 ever calmed down?

18 A. Like I said before ---.

19 Q. It wasn't a big ---?

20 A. Lieutenant Colonel did not
21 affect me in any way, shape or form.

22 Q. You did say that. It
23 wasn't an overly ---?

24 A. But an FBI agent would
25 have really perked my ears up hard.

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1 Go ahead.

2 Q. Now, this gentleman over
3 here is a lawyer, and I'm sure one
4 of the best in the world because
5 he's your lawyer?

6 A. He is.

7 Q. Okay. I'm sure he is.
8 Now, maybe he's not a good example.
9 But the example I would have is
10 somebody comes in here from an
11 outside agency, an agency that you
12 respect, an agency on an equal level
13 with you, although there probably
14 aren't too many of those around, and
15 said that they're looking at a
16 superior of yours, and your contact
17 --- you're the OPR director. Are
18 you going to go tell that person if
19 they're in a group that could be
20 investigated? Would you go tell
21 them and inform them?

22 A. I don't know what our
23 requirements are in that regard.
24 And, you know, I've never done an
25 OPR investigation, so I can't speak

1 to that. But I'm sure there is
2 rules and regulations in that
3 organization how to address it.

4 Q. So in a criminal
5 investigation, though, generally
6 speaking at least, you don't think
7 it would be appropriate to inform a
8 target or someone in a group that's
9 targeted in an investigation that
10 they're being investigated?

11 A. I would --- I'd have to
12 agree with that, yeah.

13 Q. Okay. Now, apparently
14 Fielder's an adult male in the
15 Pittsburgh area with political
16 connections. This is you talking?

17 A. Uh-huh (yes).

18 Q. Fielder either made direct
19 contact with a Pennsylvania state
20 representative or put Bridge in
21 contact with him?

22 A. Not Bridge.

23 Q. That was the public
24 corruption?

25 A. Yeah, that wouldn't be

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1 Bridge who would be put in contact.

2 Q. So Williams might have
3 made an error there?

4 A. It would have --- that
5 would have been the CW.

6 Q. During the above phone
7 call --- I want to read this to
8 you. Okay?

9 A. Uh-huh (yes).

10 Q. Major Williams asked Agent
11 Kush three specific questions.

12 Questions and answers follow.

13 During your initial telephone
14 conversation with Captain Ober in
15 late September, early October,
16 concerning the FBI political
17 corruption investigation in western
18 Pennsylvania, did you ever discuss
19 the need for confidentiality with
20 him? And this is Mr. Kush, no, I
21 never discussed confidentiality
22 about the case with him. I knew who
23 I was dealing with, the Captain of
24 the PSP. Therefore, I trusted him.
25 I simply discussed the case with

1 him.

2 That would be consistent
3 with your testimony that you would
4 trust him to use his good judgment
5 based on what he's told?

6 A. Sounds right.

7 Q. Okay. During the above
8 phone call, did you ever mention any
9 specific rank within the PSP that
10 may be involved in this case? I
11 specifically asked him about the
12 Colonel, or Lieutenant Colonel
13 rank. Here it is, Mr. Kush.

14 A. I don't know. If it's
15 there, I believe you're not telling
16 --- I ---.

17 Q. That's where it is,
18 Mr. Kush. It's in a report that
19 Mr. Williams did who talked with
20 you.

21 A. Okay.

22 Q. Could you possibly be
23 mistaken, Mr. Kush? Is it possible
24 that you could be in error about
25 events?

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1 ATTORNEY GUIDO:

2 No, wait a minute.

3 This is wrong. That's the
4 question you're reading.

5 Read it accurately. That
6 is not his answer, that is
7 the question. It is the
8 question, not Agent Kush's
9 answer.

10 ATTORNEY BAILEY:

11 Agent Kush replied at
12 some point in time, a
13 Lieutenant Colonel rank
14 was discussed. However,
15 he could not remember a
16 date.

17 A. That's probably accurate.

18 BY ATTORNEY BAILEY:

19 Q. But you told us the date
20 wasn't before at the time of the
21 initial phone conversation?

22 A. What date are you talking
23 about?

24 Q. The date whenever this
25 Lieutenant Colonel was mentioned.

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1 A. When it really became an
2 issue was when Captain Ober heard
3 it. I mean, it --- if you heard the
4 tape, you would listen to the tape,
5 and all the bombacity of the person
6 that's making all these statements
7 ---

8 Q. Right.

9 A. --- that catches your
10 ear. And then this one phrase,
11 boom, Lieutenant Colonel, that is in
12 there.

13 Q. But ---?

14 A. And you wouldn't --- you
15 just probably wouldn't pick up on it
16 unless you're very sensitive to
17 that.

18 Q. But see, the issue is when
19 ---?

20 A. And I probably didn't say
21 it the first time ---.

22 Q. Probably didn't?

23 A. Yeah. I would honestly
24 --- and I'm being as honest as I
25 possibly can here.

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1 Q. Yes, I want you to be.

2 A. And I'm trying to impress
3 you with that point, though. That
4 it really didn't click until Captain
5 Ober hit on it. And then it --- and
6 then it hit harder. And it was
7 obvious to us that if he was going
8 to effect some kind of change in his
9 status, that it would involve
10 somebody in the process. And that
11 process is handled by the State
12 Police. And it would have to be
13 somebody within that organization.

14 Q. Okay.

15 A. Now, the Lieutenant
16 Colonel, I don't know. That just
17 did not --- I knew it was going to
18 have to be somebody within State
19 Police was going to have to be
20 gotten to by a legislator. Okay.
21 Because a legislator can't just go
22 in and tell somebody, hey, put this
23 guy in class. No, he's got to have
24 somebody else along the chain to go
25 to.

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1 Q. Did you say that to
2 Captain Ober?

3 A. I don't think we'd have to
4 say that to Captain Ober.

5 Q. No, but I ---?

6 A. He was an investigator,
7 too. And he knows exactly what
8 would have to happen.

9 Q. No. I know. And I'm not
10 trying to demean. I'm just asking
11 if you did. Do you remember if you
12 did? Was it discussed between you?

13 A. It could have been.

14 Q. It could have been?

15 A. It probably was.

16 Q. Okay. I'm happy.

17 A. To some degree. There are
18 certain things you don't have to get
19 into detail because we know ---.

20 Q. What's going down.

21 A. In what detail, that's a
22 different story. He knows more of
23 the detail. I would have to believe
24 that there would be somebody within
25 the organization that would have to

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1 be, you know, compromised.

2 Q. Did you ever talk to
3 Mr. Ober's lawyer, not me?

4 A. Yeah.

5 Q. I'm a follow-on lawyer,
6 but a real bona fide lawyer before.
7 Did you ever talk to a real high
8 quality lawyer before about
9 Mr. Ober?

10 A. If somebody had called, I
11 would have referred them on to
12 Mr. Killeen.

13 Q. So you didn't ---?

14 A. I would say hello or
15 whatever, and then say I can't.

16 Q. So if somebody provided a
17 statement that they had a
18 conversation with you about the
19 situation with Mr. Ober, you'd deny
20 that that occurred?

21 A. I'd like to see it. I
22 don't think that it ever did.

23 Q. Okay. That's fair
24 enough.

25 A. Okay.

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1 Q. All we can ask is your
2 recollection. And this has been
3 tremendously helpful. Let me go on
4 in fairness to you now.

5 A. Sure.

6 Q. It says I informed him,
7 meaning you --- this is Mr. Major
8 Williams, that the recorded
9 conversation between his CI, Bridge,
10 and Trooper Stanton, in which the
11 rank of Lieutenant Colonel was
12 mentioned, was recorded on October
13 13th, 1999. Okay. Now, based on
14 this information, Agent Kush then
15 stated he could not have known about
16 the Lieutenant Colonel rank during
17 his initial phone call. Therefore,
18 he would not have discussed it.
19 What you're saying is that if ---
20 what you were telling Mr. Williams
21 ---

22 A. Uh-huh (yes).

23 Q. --- was that if the first
24 time it was mentioned ---

25 A. Uh-huh (yes).

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1 Q. --- was during that
2 October 13th interview, then you
3 couldn't have told Ober about it
4 during the first conversation?

5 A. The recording, the October
6 13th recording?

7 Q. Yes, the recording. If
8 that was the first time?

9 A. If that was, yeah.

10 Q. But you're not certain
11 when it was first mentioned; are
12 you?

13 A. I would be if I heard the
14 tape and saw the material.

15 Q. Okay. Well ---?

16 A. But my recollection is ---
17 it's a few years ago, so ---.

18 Q. I know. It's difficult
19 and you do a lot of work. And
20 there's a lot of details.

21 A. And I would give you the
22 exact date if I could.

23 Q. I'm sure you would. How
24 many tapes did you give --- do you
25 know were sent up --- how many tapes

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1 were done; do you know?

2 A. Boy, I could only guess it
3 would have to be more than ---
4 somewhere in the neighborhood of
5 more than ten. Several. Everything
6 that we had that regarded that
7 particular ---

8 Q. Okay.

9 A. --- situation, we would
10 have turned them over. Because I
11 mean, they were trying to prosecute
12 Stanton.

13 Q. Right.

14 A. And we were certainly
15 standing beside them on that.

16 Q. Absolutely. Did you ---
17 do you remember if they were ever
18 dubbed, the tapes were ever dubbed?

19 A. Oh they --- I don't ---
20 they would have been duplicated.
21 They probably got duplicates, and
22 then they probably got the
23 originals. I don't know where the
24 originals are right now. I can't
25 tell you.

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1 Q. I would assume the FBI
2 would have the originals?

3 A. I can't tell you.

4 Q. Did the attorney --- do
5 you recollect if the Attorney
6 General, the Pennsylvania State
7 Attorney General's office was ever
8 notified?

9 A. Oh, yeah. I mean, they
10 --- they were involved in the
11 prosecution of Stanton, so they
12 would have been.

13 Q. Okay.

14 VIDEOGRAPHER:

15 I'm sorry. I'm going
16 to change tape, too.
17 We're all going to
18 change.

19 ATTORNEY BAILEY:

20 Okay. Go ahead.

21 VIDEOGRAPHER:

22 One moment. It's
23 1:12 that we're going to
24 take --- change the tape.
25 This is --- the date is

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1 March 14th, 2002.

2 OFF VIDEOTAPE

3 SHORT BREAK TAKEN

4 ON VIDEOTAPE

5 VIDEOGRAPHER:

6 It is March 14th,

7 2002. It's 1:19 p.m.

8 We're resuming the taped

9 deposition of Mr. Rush

10 ---?

11 A. Kush.

12 VIDEOGRAPHER:

13 Kush.

14 BY ATTORNEY BAILEY:

15 Q. Okay. Ralph, another part

16 of the statement that Colonel Evanko

17 did goes as follow, okay, and I just

18 want to ask because it goes back to

19 this issue of when and what you and

20 Michael discussed with Rick. Okay?

21 A. Uh-huh (yes).

22 Q. Yes. I also after May

23 12th called the SAC in Pittsburgh,

24 Rick Mosquera. This is Colonel

25 Evanko talking.

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1 A. Okay.

2 Q. Because he's a friend of
3 mine. I told him there's something
4 I needed to talk to him. I told you
5 --- I tell you what, the date was
6 May 20th of 1999. He mentions that
7 date further on again. And I told
8 him there was something I needed to
9 talk to him about. And I prefaced
10 my remarks by saying that if what I
11 ask --- if what I ask you was going
12 to interfere in an FBI
13 investigation, no, I understood that
14 he couldn't respond to any of my
15 questions. And I understood that.
16 And I wanted to ask him if either I
17 or the Pennsylvania State Police
18 were the subject of an FBI
19 investigation into, quote, selling
20 trooper positions, end quote, or any
21 other corruption allegations since
22 October of 1998, specifically was I
23 the subject or investigation or any
24 my --- probably a typo, Lieutenant
25 Colonels or the State Police.

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1 Paragraph. His response to that
2 was, quote, an investigation out of
3 where. Quote, out of where, out of
4 what office. That was his response
5 to my first question. And he said,
6 I have to plead ignorance in this.
7 He said, some time ago I remember
8 that there was a case against a
9 specific trooper, but I'd have to
10 get up to date on it, closed quote.
11 I asked --- also asked him, quote,
12 was I the subject of an
13 investigation or any of my
14 Lieutenant Colonels, closed quote.
15 And his response was, quote, if you
16 were, I would have been told about
17 it, closed quote. He said, quote, I
18 can only reiterate that --- and this
19 is paraphrasing, that I remember
20 something in October of last year or
21 sometime back there about local
22 municipalities and testing. He
23 said, I'm not really familiar with
24 what you're talking about. I'll
25 have to get back to you. My notes

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1 are a little scattered here, so you
2 can turn that off until I --- sure,
3 he says. Resuming. And then it
4 goes back to that conversation where
5 apparently Rick gets back to him.
6 He said he'd get back to me. I
7 asked about these preliminary
8 questions. About 12:37, he gave me
9 a call back and said that there were
10 allegations that had surfaced around
11 January of '97. He said I didn't
12 get here until June, but the
13 allegations about political
14 corruption surfaced in January of
15 '97.

16 I'd asked you questions
17 about when the political corruption
18 came into the Stanton thing?

19 A. Uh-huh (yes).

20 Q. Now, this is --- all I can
21 tell you is here it's in the year
22 1999, Rick Mosquera is telling
23 Evanko that the political corruption
24 aspect settled --- surfaced in
25 January of '97. I want to ask you,

1 was there any mention of State
2 Police higher ups or ranking State
3 Police officers or governor's office
4 people as early as 1997?

5 A. You said State Police
6 basically?

7 Q. Yes.

8 A. Yeah, regarding State
9 Police.

10 Q. Just Stanton.

11 A. It would have only been

12 ---.

13 Q. Only been Stanton?

14 A. Yes.

15 Q. And you seem pretty
16 comfortable about that, pretty sure
17 about that; right?

18 A. I'd have to check the
19 records, but I feel pretty
20 comfortable.

21 Q. Yes. I understand it's
22 your recollection. You feel pretty
23 sure about it?

24 A. Uh-huh (yes).

25 Q. Now, part of that

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1 allegation had to do with a State
2 Police trooper by the name of --- I
3 think it's Stanton, using his
4 position to influence the purchase
5 of State Police positions. Well, we
6 both know that a trooper, you know,
7 doesn't have much power in the
8 Pennsylvania State Police, I guess,
9 unless he's got a friend somewhere.
10 There was a CI involved, a local
11 political official. And he went on
12 and talked about Stanton's alleged
13 involvement. He said the Internal
14 Affairs of the State Police, Captain
15 Ober in particular, was notified
16 because the case had --- was set ---
17 had been set aside until around
18 October of '98, but Captain Ober was
19 then notified. And they told him
20 that they were going to take a run
21 at this. They mentioned a
22 particular state representative's
23 name. And this is the information
24 that you obtained from the SAC in
25 Pittsburgh. And I read this to you

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1 before, you know, that nobody but
2 Stanton was involved, it's not
3 systemic. And I asked him is the
4 investigation closed. He said it
5 is, the investigation's closed, it
6 was turned over to PSP, specifically
7 Captain Ober.

8 Now, the reason I ask
9 these questions is we get into this
10 time sequence. Defendants --- I
11 quite frankly don't think it has a
12 damn thing to do with this case and
13 what happened, but it's going to be
14 used as a major whatever. Is this
15 time issue of when Ober was
16 notified, okay, by you that there
17 was this thing going on.

18 We know earlier that the
19 western folks, that there's somebody
20 up there at organized crime division
21 had been talked to, and that Mr.
22 Behrens in IAD had been talked to.

23 Ralph, why didn't you go
24 back to them and talk to them? Why
25 did you go up and call IAD in

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1 Harrisburg? What precipitated a
2 change? You had already made a
3 contact?

4 A. Uh-huh (yes).

5 Q. That's of record, we know
6 about it. You made it a meeting
7 with the organized crime folks up
8 there, there's --- you know, there's
9 Frank up there, and you met with Mr.
10 Behrens. You know, why did you go
11 to Harrisburg all of a sudden in
12 October --- maybe all of a sudden's
13 not right, but it seems to me up
14 until '97, you know, Michael looks
15 at this thing and says, hey, we
16 should take another look at this,
17 apparently that's not run by --- run
18 by Rick, but it's a political
19 corruption case. I thought all
20 political corruption cases were
21 supposed to be run by the SAC? That
22 was my understanding. I may be
23 completely wrong of FBI procedure.
24 Obviously, I'm wrong.

25 A. I don't think you can be

1 aware of every corruption case.

2 Q. Okay.

3 A. Of the initiation of them
4 that he has to, you know, agree to
5 it. But this case ---.

6 Q. That's why I want to ask
7 you.

8 A. But this case was running
9 long before that.

10 Q. But hold right there.
11 Okay?

12 A. Okay.

13 Q. Because you just said
14 something that is consistent with my
15 knowledge of FBI practice. Michael
16 didn't just say take this case and
17 go with it. He --- this particular
18 case, if it's a political corruption
19 case, and Mr. Mosquera says that in
20 '97 it was identified as such,
21 wouldn't Mr. Soohy and/or yourself
22 have checked with Rick before you
23 started the corruption ---?

24 A. It had already ---.

25 Q. Not necessarily ---.

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1 A. It had ---.

2 Q. It already existed?

3 A. Yeah.

4 Q. Okay.

5 A. I think --- I want to say
6 my initial efforts had probably
7 started in '94. I mean, it was way
8 back. And this case had been around
9 long enough that we needed to, you
10 know, close it, resolve it. But
11 there were so many angles and so
12 many things that the CI was involved
13 in, that we just didn't get to it
14 until that time.

15 Q. And ---.

16 A. And there was another
17 thing you mentioned here, which I
18 don't know that it was exactly
19 right.

20 Q. Go ahead. Go ahead.

21 A. And it had to do with the
22 date that I would have notified
23 Captain Ober. I think you said it
24 was --- he was notified before '97.
25 Well, that would have been the

1 reference to Mr. Behrens.

2 Q. No sorry. Sorry. I did
3 not. Mr. Behrens, sir, not
4 Mr. Ober.

5 A. Okay.

6 Q. Yes, I made an error. I
7 apologize. I probably --- okay.
8 But why did you go back to them?

9 A. That's more where Bailey
10 would come in.

11 Q. Okay.

12 A. It's an OPR matter.
13 That's Internal Affairs. That's my
14 judgment.

15 Q. Wait a minute. Now,
16 Ralph, we know it's your judgment.
17 Let's look for the reason for the
18 judgment.

19 A. Okay. Go ahead.

20 Q. Now, is the reason for the
21 judgment because higher ups or
22 Lieutenant Colonel or governor's
23 office people were mentioned, and
24 that's what made you go to Mr. Ober
25 in Harrisburg? Because what had

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1 changed --- what intervening facts
2 were known to you that caused you
3 from the '97 perspective to go then
4 to Harrisburg in October of '98?

5 A. I ---.

6 Q. Why did you change? Why
7 did you switch?

8 A. My initial contact with
9 the State Police was with their OPR,
10 with their Office of Professional
11 Responsibility or Internal Affairs.

12 Q. Western office IAD, Mr.
13 Behrens?

14 A. Well, actually I was
15 referred to them by Harrisburg.

16 Q. Then why did you go back?

17 A. Because that's where it
18 should --- I felt it should rest.

19 Q. Okay. How's surveillance
20 work? Is it fun? Pretty boring;
21 isn't it?

22 A. No. It's interesting
23 sometimes. It's ups and downs.

24 Q. You CPA?

25 A. Uh-huh (yes).

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1 Q. Were you watching people
2 write numbers as part of your
3 surveillance duties, Ralph? I mean,
4 what the hell were they taking
5 somebody with your kind of up here?

6 A. The reason is for
7 surveillance.

8 Q. What are you doing, I
9 mean?

10 A. I have other abilities
11 besides that.

12 Q. You have good eyesight?

13 A. I have good eyesight. I
14 can work with people. I'll go the
15 extra mile. I mean, everybody does.

16 Q. Sure.

17 A. I mean, I'm easy to get
18 along with.

19 Q. Okay.

20 A. And all those factors
21 probably led them to send me there.

22 Q. Okay. Do you know what
23 this is? I don't know what it is.
24 I'm trying to find out what it is.

25 ATTORNEY GUIDO:

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1 May we mark it as an
2 exhibit, please?

3 ATTORNEY BAILEY:

4 Okay.

5 A. It looks like --- that's
6 probably my handwriting. It's an
7 envelope.

8 BY ATTORNEY BAILEY:

9 Q. I don't know what it is.

10 A. I'm sure it's an envelope,
11 I guess.

12 Q. I don't know what it is.
13 I'm just asking. Can you tell me?

14 A. Well, it's an envelope.
15 Brings up an interesting point.
16 When I would --- when I mailed the
17 things to Captain Ober, he wanted me
18 to have them mailed to his home. So
19 other than that --- I thought it was
20 a little unusual. But then again,
21 that's his decision where he wants
22 to have it mailed because he wanted
23 to keep it close to invest, I guess.

24 Q. Did Captain Ober ever
25 mention any --- that he was under

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1 any orders from Lieutenant Colonel
2 Hickes?

3 A. No.

4 Q. So you don't know what
5 orders he was under from the
6 Pennsylvania State Police from any
7 superior officers of his; do you?

8 A. I don't recall of hearing
9 any.

10 Q. Because he never went over
11 that, never talked to you about it,
12 never did that; right?

13 A. Not that I know of.

14 Q. Did he ever ask you who
15 you reported to in the FBI?

16 A. No, but I think he knew.

17 Q. Did he ever ask you what
18 you did in your --- well, do you
19 know who the boss of the
20 Pennsylvania State Police is?

21 A. Evanko.

22 Q. Okay. No question about
23 that; is there?

24 A. I think that's pretty much
25 public knowledge.

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1 Q. In the FBI, it used to be
2 J. Edgar Hoover. And then there's
3 different people that follow on?

4 A. I never --- yeah.

5 Q. There's always somebody at
6 the top, though; right?

7 A. Uh-huh (yes).

8 Q. Okay. And your eyes lit
9 up when I said J. Edgar Hoover.

10 A. I didn't serve under him.

11 Q. Didn't you?

12 A. No.

13 Q. Are you happy?

14 A. I'd like to --- no, it
15 would have been a pleasure. I would
16 have been proud to have.

17 ATTORNEY BAILEY:

18 Okay. You want to
19 mark that --- here. She
20 wants it marked so ---
21 Syndi wants it marked.
22 Maybe we can get some
23 copies of it somehow.
24 Give me just a second.

25 (Deposition Exhibit

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1 Number One marked for
2 identification.)

3 OFF RECORD DISCUSSION

4 BY ATTORNEY BAILEY:

5 Q. Captain Ober did a
6 supplemental report that is part of
7 the --- it's a document that's at
8 issue --- no, it's not at issue.
9 But it's part of the fact background
10 in this case. I'm going to read
11 certain parts to it. And I need you
12 to --- I need to ask you questions
13 about it.

14 A. Okay.

15 Q. It begins, I was contacted
16 by telephone in late September or
17 early October 1998 by Federal Bureau
18 of Investigations Special Agent
19 Ralph W. Kush of the Pittsburgh
20 office. You don't dispute that; do
21 you?

22 A. No.

23 Q. Kush stated he was
24 conducting an investigation into
25 political corruption in western

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1 Pennsylvania. You don't deny that?

2 A. No.

3 Q. During this investigation,
4 an individual later identified as
5 Dennis J. Bridges, who was seeking
6 assistance in entering the
7 Pennsylvania State Police as a
8 cadet, approached an FBI
9 confidential informant CI,
10 confidential informant. According
11 to Kush, Bridges had taken the cadet
12 entrance examination and was in band
13 B. Bridges was seeking assistance
14 in moving from band B to band A
15 through a series of financial
16 payoffs to an unknown political
17 figure. You don't dispute that?

18 A. No.

19 Q. According to Kush, the
20 meeting between Bridges and the
21 CI was arranged by Trooper Kipp
22 Stanton of the Pennsylvania State
23 Police. During their meeting with
24 the CI, Kush stated that Bridges and
25 Stanton portrayed entrance into the

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1 Department through a series of
2 payoffs as commonplace. Do you
3 disagree with that?

4 A. Uh-uh (no).

5 Q. Okay. Due to the nature
6 of the investigation, Kush requested
7 this information be kept
8 confidential. Do you disagree with
9 that? Do you remember that? Is it
10 possible?

11 A. Well, I mean, it would be
12 confidential as to --- yeah,
13 whatever he needed to do with it,
14 yeah.

15 Q. Okay. All right. So you
16 wouldn't have said to him, don't
17 tell the Commissioner?

18 A. No.

19 Q. Don't tell the Lieutenant
20 Colonel, don't tell your boss,
21 anything like that?

22 A. Uh-uh (no).

23 Q. You just would, because of
24 the nature of this thing, say
25 something to the effect it's

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1 sensitive?

2 A. Sure.

3 Q. Or this is maybe even the
4 word confidential. But the point
5 that I think in all of this that
6 you're trying to get across is you
7 didn't sit down there and say don't
8 tell this or that person or don't
9 keep it from this particular group
10 of persons?

11 A. Uh-huh (yes).

12 Q. Is that fair to say?

13 A. Well, we certainly
14 wouldn't want targets to get the
15 information, so ---.

16 Q. Okay. That makes a lot of
17 sense to me. But I'm not an FBI
18 agent.

19 A. You could be. You're a
20 little late.

21 Q. What's that?

22 A. I think you're over 27.

23 Q. A little bit.

24 A. Or 37 it is.

25 Q. Is that the late ---?

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1 A. That's the late --- that's
2 the late date.

3 Q. I missed my calling.
4 Okay. To facilitate their
5 investigation, Kush also requested
6 that I provide resource information
7 to him on such things as cadet
8 entrance, examination process,
9 selection process, cadet class
10 schedule dates, et cetera. You
11 wouldn't disagree with that?

12 A. Uh-uh (no).

13 Q. Okay. Kush agreed to my
14 request that the Internal Affairs
15 Division of the Pennsylvania --- of
16 the State Police be permitted to
17 initiate any criminal charges
18 against any member or employee of
19 the Department should the FBI
20 determine the system had been
21 compromised. Do you recollect that?

22 A. Well, we --- in that
23 particular situation ---.

24 Q. You would have done that
25 anyway?

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1 A. Yeah. We would --- yeah,
2 if that would have happened, there
3 would have been a Federal
4 indictment. They would have been
5 indicted in that way, too. That's
6 where we would have gone.

7 Q. Okay. But let me ask you
8 in thinking back on the
9 conversation, do you have a
10 recollection of whether that was
11 discussed or whether that came up or
12 he said that? His report said he
13 said it. That's what I'm really
14 asking.

15 A. I mean, we could have said
16 that, hey, it depends on who goes
17 where. I mean, sometimes we may not
18 prosecute somebody because of their
19 position.

20 Q. Fair enough.

21 A. But yet, to the State,
22 that's significant prosecution. You
23 know, you deal in back and forth, so
24 that's ---.

25 Q. Right. I understand. I

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1 mean, it's a judgment call?

2 A. Sure.

3 Q. Based on what you find,
4 what the circumstances are, anyway?

5 A. Because we wouldn't
6 prosecute somebody doesn't mean that
7 they wouldn't prosecute somebody,
8 you know.

9 Q. Right. He then says I
10 informed Lieutenant Colonel Hickes
11 of this investigation in early
12 October 1998. Do you know whether
13 he talked to Hickes about that or
14 not?

15 A. I don't know.

16 Q. Lieutenant Colonel Hickes
17 ordered me to maintain the FBI's
18 request for confidentiality. Now,
19 regardless of what passed between
20 the two of you, you don't have any
21 reason to believe that Captain Ober
22 would come away from that
23 conversation thinking you didn't
24 care about confidentiality. I mean,
25 obviously, you've already testified

1 that that was something you had
2 expected or believed should have
3 been understood?

4 A. Uh-huh (yes).

5 Q. Correct?

6 A. Uh-huh (yes).

7 Q. Okay. Cooperate to the
8 extent possible with any requests
9 for assistance by the FBI, and keep
10 him informed of any significant
11 developments in the case. Now, you
12 have no way of knowing any of this
13 because you weren't privy to it, and
14 Mr. Ober didn't discuss it with you;
15 is that fair? Is that correct?

16 A. No, I wouldn't find that
17 to be shocking.

18 Q. No.

19 A. I mean, that would be just
20 --- he's reporting to his superiors
21 what was going on. And I would do
22 much the same.

23 Q. Right. I met with Kush
24 and his supervisor, Michael J. Soohy
25 at troop T Everett on October 21,

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1 1998. Kush played an audio tape
2 obtained from a body wire of a
3 conversation between Bridges,
4 Stanton and the CI. Kush later
5 mailed me a copy of a transcript of
6 the conversation.

7 Now, that would have been
8 the thing that's been discussed so
9 much, I believe?

10 A. Uh-huh (yes).

11 Q. As the October 13th?

12 A. Okay.

13 Q. I don't know for sure.

14 A. Should be, yeah. It
15 sounds good.

16 Q. But I would assume that's
17 it?

18 A. Yeah, I think.

19 Q. But that first meeting
20 took place in troop T Everett?

21 A. Yeah, that's --- yeah,
22 that's between the two.

23 Q. All right. Now, I had
24 sporadic conduct --- contact with
25 Kush over the next few months.

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1 Occasionally Kush telephoned me
2 regarding the next scheduled cadet
3 class date, et cetera. On occasion,
4 I in turn provided class updates to
5 Lieutenant Colonel --- case updates
6 to Lieutenant Colonel Hickes. At
7 least as far as the part that refers
8 to you, is that pretty accurate?

9 A. I don't know that he was
10 --- who he was reporting to, but I
11 --- yeah, that would be because we
12 were still working our end of it,
13 and we would need to know when
14 classes were starting, because there
15 was a certain point, I think, they
16 suspended --- they would suspend
17 classes or the examination's only
18 given once periodically, so timing
19 was --- was important because our CI
20 would have to discuss this with the
21 individuals involved.

22 Q. Do you know whether
23 Colonel Evanko ever had a class
24 retested or rescheduled to
25 accommodate someone he was

1 interested in?

2 A. No, I don't know that.

3 Q. All right. Now, sometime
4 in late February or early March of
5 '99, Kush contacted me to report
6 the CI received a payoff of \$1,000,
7 which the FBI captured on videotape
8 between Bridges, Stanton and the
9 CI. On March 15th, 1999, I met with
10 Kush and Soohy at the Holiday Inn in
11 Indiana. I viewed the tape at this
12 time. I provided Lieutenant Colonel
13 Hickes with an update of this
14 development. Now, sir, do you
15 recollect that?

16 A. The meeting that we had.

17 Q. Yes.

18 A. The viewing the tape. But
19 I don't know what he --- who he
20 advised.

21 Q. Did he order you beverages
22 out there in Indiana? Come on Kush?

23 A. I don't think so.

24 Q. Come clean.

25 A. I don't think so.

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1 Q. Did he order you ---?

2 A. I could use one now, but I
3 don't think ---.

4 Q. No?

5 A. I don't think he did, no.

6 Q. Okay. We had some
7 questions here. I just want to ask
8 you this. At the time that you guys
9 met in Indiana, okay, at that time
10 --- give me a second.

11 A. We did have coffee. We
12 did have coffee.

13 Q. Didn't have any Amaretto
14 did it? Come on, Kush?

15 A. No. I think we did have
16 coffee, though. No.

17 Q. Hold on a second. I have
18 to change the tape. Now, Ralph, at
19 the time --- I bring that up because
20 it was --- a big issue was made of
21 this in a deposition about ordering
22 beverages for the FBI. And I said
23 what the hell's wrong with the FBI?
24 I'd give them a drink, too. A glass
25 of water or something. Nothing

1 about alcohol or impropriety or
2 anybody overdoing it. I just
3 thought it was silly and wanted to
4 ask you about it.

5 A. Okay.

6 Q. But here's my question.
7 If you're in a situation, let's say,
8 or Captain Ober's in a situation
9 where he --- there's no question
10 that by the time you met at Indiana
11 ---

12 A. Uh-huh (yes).

13 Q. --- that you had come upon
14 information and provided him, him
15 being Captain Ober, with
16 information, that did indicate that
17 there was at least a possibility
18 that some ranking officer and maybe
19 the governor's office, you don't
20 remember that, but I assure you it's
21 in the transcript and on the tapes.

22 A. Okay.

23 Q. But, you know, the point
24 is, though, at that point he'd
25 received that information. What's

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1 wrong with meeting at a private
2 facility so nobody knows you're
3 there?

4 A. Nothing.

5 Q. I mean, I've sued FBI
6 agents. Okay. I've helped them
7 with investigations. I think I've
8 been victimized by political
9 influence. I've ---.

10 A. I think we all have.

11 Q. On picking on --- where
12 agents become caught between
13 things. And although I would never
14 reveal it, I --- there are some
15 fantastic people in your
16 organization who have helped me and
17 provided me with information who
18 believe in doing the right and just
19 thing.

20 Can you tell me what is
21 wrong with a Pennsylvania State
22 Police officer who gets information
23 about public corruption holding a
24 meeting with two FBI agents away
25 from and out of PSP facilities

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1 because people talk?

2 A. Uh-huh (yes).

3 Q. What is wrong with that?

4 A. I don't --- you know,
5 there's nothing wrong with that.

6 And that was his call, where he
7 wanted to hold it.

8 Q. Right. And you saw no
9 reason to question that, you
10 cooperated with him, you went and
11 you folks sat down and you did the
12 business that investigators doing
13 their job are supposed to do; isn't
14 that correct?

15 A. I think so.

16 Q. All right. Okay. I
17 probably, if I could get away with
18 it, have about 1,000 hypothetical
19 questions for you.

20 A. Uh-huh (yes).

21 Q. Or I think I could
22 probably learn a great deal. But
23 it's not the place for it in this
24 deposition. If you would give me
25 just a moment, I'd like to step

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1 aside with Captain Ober?

2 A. Sure.

3 ATTORNEY BAILEY:

4 I want to advise
5 everybody there's no
6 reason to shut this
7 equipment down, it's only
8 going to be a minute. And
9 all attorneys and people
10 here be advised that these
11 machines are still
12 running.

13 BY ATTORNEY BAILEY:

14 Q. Okay. Sir, I really --- I
15 have one last question, and that's
16 it. I'm done.

17 A. Sure.

18 Q. I thought in my review of
19 the materials and as we went through
20 this, I really thought better of
21 asking you. I checked with Captain
22 Ober just to make sure. And based
23 upon him, he has an excellent mind
24 for these things, I thought that
25 somewhere else in there there was a

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1 possibility of another Pennsylvania
2 State Police officer, maybe a
3 Captain being mentioned. Would you
4 please take a moment and think back
5 over the investigation that you and
6 Mr. Soohy did? And I know that
7 there's been all this talk about the
8 higher ups and the Lieutenant
9 Colonel rank being mentioned, and
10 the governor's office being
11 mentioned and all of that. And, you
12 know, the transcripts and the wires
13 will speak for themselves.

14 A. Sure.

15 Q. I just seem to remember a
16 Captain somewhere. If you ---?

17 A. I don't know there was a
18 Captain. I think there was
19 reference to a --- somebody higher
20 than a trooper level. I mean ---.

21 Q. Okay.

22 A. Who had fixed some cases,
23 some speeding ---

24 Q. Something like that?

25 A. --- tickets or something.

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1 And there was some reference in
2 that. But again, all that was on
3 the tapes. And it was turned over
4 to Captain Ober.

5 Q. Right.

6 A. And he could have done
7 whatever he wanted to do with it, so
8 ---.

9 Q. Yes.

10 A. There was a couple people
11 ---.

12 Q. OPR people don't control
13 the criminal investigation process.
14 I think it's ---?

15 A. It's integrity.

16 Q. Correct.

17 A. And they would control
18 that. And I think if he felt that
19 was something that needed to be
20 addressed, then he would have it
21 addressed.

22 Q. I think he tried to do
23 that.

24 A. Okay.

25 ATTORNEY BAILEY:

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1 But anyway, I'd like
2 to --- opposing Counsel
3 probably has some
4 follow-up questions for
5 you. Thank you, sir.

6 A. You're welcome.

7 ATTORNEY GUIDO:

8 Yes, I do.

9 RE-EXAMINATION

10 BY ATTORNEY GUIDO:

11 Q. With respect to that last
12 question about the officer who was
13 fixing cases, is it possible that
14 was a Corporal and not a Captain?

15 A. Yeah, that's what I --- I
16 didn't think it was a ranking.

17 ATTORNEY GUIDO:

18 And can we have this
19 document marked as Exhibit
20 Two.

21 (Deposition Exhibit
22 Number Two marked for
23 identification.)

24 ATTORNEY BAILEY:

25 Why don't we do the

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1 whole interview? Do you
2 have an objection?

3 ATTORNEY GUIDO:

4 No, not really.

5 ATTORNEY BAILEY:

6 That's the fairest
7 way to you. I mean, I
8 realize ---.

9 ATTORNEY GUIDO:

10 There are two
11 separate interviews,
12 that's why I separated it
13 out. This is June 30th
14 and that's May 25th.

15 ATTORNEY BAILEY:

16 Okay.

17 ATTORNEY GUIDO:

18 But I don't mind
19 putting the whole thing
20 in. It doesn't matter to
21 me.

22 ATTORNEY BAILEY:

23 The tree's already
24 died.

25 ATTORNEY GUIDO:

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1 Here's --- that's
2 going to be Exhibit Two
3 when she gets it marked.

4 A. This is ---.

5 BY ATTORNEY GUIDO:

6 Q. And if you look at the
7 last page there that was a telephone
8 interview that was conducted with
9 you on June 30th, 1999?

10 A. Uh-huh (yes).

11 Q. This has already been read
12 to you by Mr. Ober's Counsel?

13 A. Uh-huh (yes). Okay.

14 Q. If you look at the first
15 --- first of all, if you could just
16 through the first --- why don't you
17 read through that whole page?
18 That's the portion I'm most
19 interested in.

20 A. Okay.

21 ATTORNEY BAILEY:

22 Syndi, what time do
23 you have over there?

24 ATTORNEY GUIDO:

25 It's five of 2:00.

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1 ATTORNEY BAILEY:

2 Thank you. While
3 he's reading that, I'm
4 going to do a motion for
5 enlargement. Barb and
6 Joanna Moore, you know,
7 referred --- deferred to
8 you on that issue. I
9 think --- I might ask for
10 another 30 or 60 days. I
11 don't know if you concur
12 or not. But would you
13 think about it and let me
14 know?

15 ATTORNEY GUIDO:

16 I through Barbara
17 told me she told you we
18 wouldn't concur. Because
19 I thought she told me you
20 were already ---.

21 ATTORNEY BAILEY:

22 She said she wasn't
23 in favor of it, but she
24 had to talk to you.
25 That's what she told me.

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1 She wouldn't give me a
2 final --- she said that
3 she wouldn't recommend it,
4 but she had to check with
5 you.

6 ATTORNEY GUIDO:

7 All right.

8 ATTORNEY BAILEY:

9 And I said I'd be
10 bumping into you today, I
11 thought, because she
12 wasn't coming.

13 ATTORNEY GUIDO:

14 As far as I know, our
15 clients are opposed. I
16 believe that they are.

17 ATTORNEY BAILEY:

18 Okay. And what about
19 an investigation into the
20 wedding?

21 ATTORNEY GUIDO:

22 What do you mean by
23 an investigation?

24 ATTORNEY BAILEY:

25 Well, I'm going to

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1 ask the Court to appoint
2 some investigators to find
3 out when those signatures
4 were put on those Evanko
5 ---.

6 ATTORNEY GUIDO:

7 Yes. Well, we think
8 it's a waste of time, so
9 we're not going to concur
10 in that.

11 ATTORNEY BAILEY:

12 You are not going to
13 concur in it?

14 ATTORNEY GUIDO:

15 No. It's a Red
16 Herring that you --- but
17 I'm not going to get into
18 it in the middle of the
19 deposition.

20 ATTORNEY BAILEY:

21 It's on the record.

22 ATTORNEY GUIDO:

23 I don't mind doing it
24 on the record, but I don't
25 think we need to hold them

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1 up.

2 ATTORNEY BAILEY:

3 I'm teasing you,
4 Syndi.

5 ATTORNEY GUIDO:

6 In fact, I prefer to
7 have my conversations with
8 you on the record,
9 Mr. Bailey.

10 ATTORNEY BAILEY:

11 That's a mean
12 insult.

13 ATTORNEY GUIDO:

14 No, it's absolutely
15 true. That's the only way
16 I intend to communicate
17 with you.

18 BY ATTORNEY GUIDO:

19 Q. Now, referring back to
20 Exhibit Number Two?

21 A. Uh-huh (yes).

22 Q. You've had a chance to
23 look at that?

24 A. Yes.

25 Q. Is everything in there

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1 accurate?

2 ATTORNEY BAILEY:

3 Oh, my God.

4 A. I think the word we're
5 talking about is confidentiality.

6 BY ATTORNEY GUIDO:

7 Q. First just everything
8 besides that, and then we'll go to
9 ---?

10 A. Uh-huh (yes).

11 Q. Now, because I wanted to
12 ask you about the confidentiality
13 issue. Did you notice anything else
14 in there that you have a problem
15 with?

16 A. Let me finish scanning it
17 because I read the first part and
18 then I started scanning it.

19 ATTORNEY BAILEY:

20 Could you identify
21 the document for us?

22 ATTORNEY GUIDO:

23 We did. It's Exhibit
24 Two. I already said it's
25 the June 30th telephone

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1 interview, June 30th,
2 1999.

3 ATTORNEY BAILEY:

4 With who?

5 ATTORNEY GUIDO:

6 Between Williams and
7 Agent Kush.

8 ATTORNEY BAILEY:

9 I'm sorry. I didn't
10 catch it.

11 ATTORNEY GUIDO:

12 I'm sorry. I did it
13 when I first handed him
14 the document.

15 ATTORNEY BAILEY:

16 Innocent mistake.
17 Geez. Can I get one of
18 your cards?

19 ATTORNEY KILLEEN:

20 Yes.

21 ATTORNEY BAILEY:

22 I can always tell
23 somebody I know you.

24 ATTORNEY KILLEEN:

25 I'll have to give you

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1 the correct addresses.

2 ATTORNEY BAILEY:

3 Okay. I really
4 appreciate it. I put them
5 into my --- I have an
6 address book I use if I
7 ever need to.

8 A. Okay.

9 BY ATTORNEY GUIDO:

10 Q. Okay. Is the --- is that
11 an accurate interview? Is there
12 anything in there you want to
13 correct is my point?

14 A. Well, it's --- the
15 confidentiality, I mean it --- when
16 I would have discussed --- and I
17 hope that I would have told Major
18 Williams of the fact that we're
19 dealing with a sensitive matter.

20 Q. Right.

21 A. And those words would
22 definitely be used, sensitive
23 matter. This is a sensitive
24 situation. It's a sensitive
25 investigation. It's a significant

1 investigation.

2 Q. All right.

3 A. At this point in time.

4 And the confidentiality, if he used
5 that word, then I would interpret it
6 to mean the sensitivity of the
7 situation, and that he would, you
8 know, and we --- he would have
9 agreed. And I'm sure captain Ober
10 at the time and myself had a clear
11 understanding that it was a very
12 sensitive situation, and that, you
13 know ---.

14 Q. And illustrate ---?

15 A. He wouldn't go --- he'd be
16 careful with the information.

17 Q. Right. Now, he in his
18 complaint alleged that you
19 explicitly directed him to maintain
20 strict confidentiality. Do you
21 remember doing that?

22 A. No, I didn't.

23 Q. You also --- and he says
24 in his amended complaint that that's
25 why he didn't tell his supervisor or

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1 anybody in his chain of command was
2 because of the FBI's direction to
3 keep this confidential. Do you
4 remember doing anything like talking
5 to him about whether he could tell
6 his supervisors?

7 A. No.

8 Q. You also in response to a
9 question from Mr. Bailey, you said,
10 you know, yes, he --- when talking
11 about him telling Lieutenant Colonel
12 Hickes, and I think you said, yes, I
13 understand that he told his
14 supervisors. And I would do the
15 same thing. Do you recall that?

16 A. Repeat that.

17 Q. In response to a question
18 from Mr. Bailey.

19 A. Uh-huh (yes).

20 Q. He was asking you about
21 him telling Lieutenant Colonel
22 Hickes?

23 A. Uh-huh (yes).

24 Q. You said, well, I don't
25 know what he told Lieutenant Colonel

1 Hickes?

2 A. Uh-huh (yes).

3 Q. But I do understand he
4 told his supervisor. And I would do
5 the same thing. Do you remember
6 saying that?

7 A. Well, I didn't --- I would
8 --- I don't think that's exactly
9 the way it was said. But I didn't
10 know who he had advised or when he
11 advised them. Eventually, I think
12 he did --- well into the thing, he
13 did mention that he had told
14 someone, a superior. But I think
15 initially he was concerned because
16 of the chain of command basically
17 that he had to deal with, with
18 Internal Affairs, and that being
19 also ultimately under the same
20 person who handled the Academy.

21 Q. Okay.

22 A. And I think his concern
23 was there.

24 Q. And that's what I guess I
25 was wanting to clarify your response

193

1 with you because when you indicated
2 that to him telling his supervisors,
3 I wanted to clarify, you didn't know
4 who Lieutenant Colonel Hickes was?

5 A. No.

6 Q. And you didn't know
7 whether he was or was not in his
8 chain of command; correct?

9 A. Right.

10 Q. And you don't know whether
11 or not within the State Police that
12 was the appropriate person to tell?

13 A. That's right, I don't
14 know.

15 Q. You left that completely
16 to his discretion as to who he could
17 trust and who could be told; is that
18 correct?

19 A. That's right.

20 ATTORNEY GUIDO:

21 And I'd like to have
22 --- this is the
23 transcript, the transcript
24 of October 13th, 1998.
25 I'd like to have that

194

1 marked as Exhibit Three.

2 (Deposition Exhibit
3 Number Three marked
4 for identification.)

5 ATTORNEY BAILEY:

6 I need that --- no,
7 you can look at it. I
8 ---.

9 A. No, I don't need it.

10 ATTORNEY BAILEY:

11 You've heard enough
12 about the October 13th
13 transcript?

14 A. I listened to it. It's an
15 interesting conversation. You
16 should hear it in person.

17 ATTORNEY BAILEY:

18 Okay. Do you want
19 him to look at it? Here I
20 guess she wants you to
21 look.

22 ATTORNEY GUIDO:

23 I'm going to direct
24 his attention to certain
25 pages.

195

1 ATTORNEY BAILEY:

2 That goes
3 underneath.

4 A. Sure.

5 ATTORNEY BAILEY:

6 Well, I'm going to
7 have to object to this.
8 Do you have the tape?

9 ATTORNEY GUIDO:

10 No.

11 ATTORNEY BAILEY:

12 Well, I ---.

13 ATTORNEY GUIDO:

14 Your objection's on
15 the record.

16 ATTORNEY BAILEY:

17 Well, my objection's
18 on the record. And one of
19 the objections is
20 authentication. And I'm
21 still waiting for the
22 tapes. Let me see that.
23 Let me see that.

24 A. Sure. The point that I
25 found amusing was the fact that ---.

196

1 ATTORNEY BAILEY:

2 I know what.

3 A. --- Stanton said one of his
4 buddies would be doing the
5 background investigation.

6 ATTORNEY BAILEY:

7 You know what I found
8 interesting about this
9 page, and I saw that and I
10 thought, this is so ---.

11 A. Okay.

12 ATTORNEY BAILEY:

13 Well, regardless, all
14 backgrounds go through the
15 main headquarters. Well,
16 I thought that was ---.

17 A. Well, they do eventually.

18 ATTORNEY BAILEY:

19 Well, that's more
20 fun, you know. I know. I
21 understand. Let's see
22 what we've got here.
23 Federal judge. Oh, gee, I
24 bet they'd love to hear
25 that. This guy knows

197

1 everybody. I wonder who
2 the federal judge is.
3 Okay. Thank you very
4 much.

5 A. Uh-huh (yes).

6 ATTORNEY BAILEY:

7 Thank you.

8 BY ATTORNEY GUIDO:

9 Q. Sir, if you'll look at
10 Exhibit Three?

11 A. Sure.

12 Q. Do you recognize that as a
13 copy of the transcript of the tape
14 made October 13th, 1998?

15 A. Yes, uh-huh (yes).

16 Q. And at the bottom, I
17 believe it indicates --- it has your
18 name and a signature. What does
19 that mean?

20 A. That's the person who did
21 the transcription.

22 Q. After a tape gets
23 transcribed, what procedures, if
24 any, do you have to verify the
25 accuracy of the transcript?

198

1 A. I would listen through it
2 after it was transcribed and try to
3 pick up words and adjust any of the
4 names that she may have not picked
5 up or if I picked up more than she
6 did, I would continually try to
7 upgrade the quality of the
8 transcription. And at some point in
9 time, I mean with our ears and the
10 machines that we're working with,
11 that's the best we can do.

12 Q. And the transcript then
13 that you would have turned over to
14 the State Police would be the final
15 form transcript after you had gone
16 through that process; is that right?

17 A. It would have been the
18 best, yeah.

19 Q. The best you can ---?

20 A. That we could have done at
21 that time. It may have been looked
22 at again by someone else, but ---.

23 Q. And do you recognize
24 Exhibit Three from today as a copy
25 of that transcript of October 13th?

199

1 A. Yes.

2 Q. Okay.

3 A. There's pages here.

4 Q. Is this still part of it?

5 A. Yeah, it's lengthy.

6 Q. I know it's lengthy. I'm
7 surprised I didn't have it
8 together. It's out of order.

9 ATTORNEY BAILEY:

10 Kush did it. I
11 didn't.

12 A. I make mistakes.

13 ATTORNEY BAILEY:

14 You did it, Kush.

15 A. I'll be the first to admit
16 it.

17 ATTORNEY BAILEY:

18 You what?

19 A. I'll be the first to admit
20 it.

21 ATTORNEY BAILEY:

22 You're not supposed
23 to do that in a
24 deposition.

25 A. Everybody makes mistakes.

200

1 ATTORNEY BAILEY:

2 That's for sure. If
3 you're human.

4 A. And you're making a
5 mistake if you don't realize it.

6 ATTORNEY BAILEY:

7 Yes, that's probably
8 true.

9 BY ATTORNEY GUIDO:

10 Q. Right now I'm going to
11 hand you page 49 of that
12 transcript.

13 A. Uh-huh (yes).

14 Q. And you'll see the word
15 Lieutenant Colonel highlighted.

16 A. Okay.

17 Q. Would you read through
18 that paragraph and tell me --- first
19 just read through it?

20 A. Yeah.

21 Q. What I want to know is
22 whether or not that's the reference
23 to Lieutenant Colonel that you're
24 talking about in which ---

25 A. Yes.

201

1 Q. --- Captain Ober picked up
2 on it and you hadn't really noticed
3 before?

4 A. Uh-huh (yes). Yes, it
5 is.

6 Q. And Captain Brown is going
7 to look through for a little bit to
8 see if he can find the reference to
9 the governor's office.

10 A. Okay.

11 Q. But is this the tape we've
12 all --- you've been referring to?

13 A. Yes, it is. And as I
14 said, we wouldn't --- I really doubt
15 whether we would have had this
16 because of the length of it at the
17 meeting we had with Captain Ober.

18 Q. The transcript?

19 A. Yeah. And he was the one
20 that --- obviously, he's the one
21 that really hit on Lieutenant
22 Colonel.

23 Q. It's sort of mentioned in
24 passing; correct?

25 A. Yeah, it's all --- it's

202

1 all inside of this. And if you
2 heard it, the guy is --- he's really
3 verbose. I mean, he knew a lot
4 about the system.

5 Q. Right.

6 A. He knew about the
7 process. And then he talks about
8 how he was going to make his
9 payoffs. And that every year he'd
10 make a payoff. He was really ---.

11 Q. And on page 28, would you
12 just read out loud the first time
13 that Bridges gives an answer?

14 A. On Bridge?

15 Q. Yes.

16 A. And a lot of people don't
17 like it. Let's say, a Senator or
18 governor or somebody helps me.

19 Q. As far as you know, is
20 that the reference to the governor
21 that we've been talking about?

22 A. That would --- yeah, that
23 would be a reference. I don't know
24 if there's additional ones.

25 ATTORNEY BAILEY:

203

1 I object.

2 BY ATTORNEY GUIDO:

3 Q. Do you know if there's any
4 other references?

5 ATTORNEY BAILEY:

6 Counsel, you're
7 mischaracterizing --- I
8 want to object. Can I see
9 that, sir, just one
10 second? That's a
11 different record?

12 A. Okay.

13 ATTORNEY GUIDO:

14 As soon as he
15 finishes his answer, you
16 can.

17 ATTORNEY BAILEY:

18 That's a different
19 --- well, that's a
20 different record. Yes,
21 let's say a Senator or
22 governor or somebody helps
23 me, right. That is not
24 the reference to
25 governor's office that I

204

1 recollect.

2 BY ATTORNEY GUIDO:

3 Q. Are you aware of any other
4 --- I'm not going to ask you to sit
5 and read through the transcript
6 because it speaks for itself.

7 A. Uh-huh (yes).

8 Q. But when you --- in
9 response to Mr. Bailey's questions,
10 you were talking about the fact that
11 there had been a lot of tapes. Were
12 there any wire taps related to the
13 State Police Academy investigation
14 of corruption that didn't --- were
15 not eventually given to the State
16 Police?

17 A. No.

18 Q. So the tapes that you were
19 talking about would have been
20 unrelated tapes?

21 A. Unrelated, yeah, other
22 matters.

23 Q. Do you know whether or not
24 --- like I guess I don't --- that's
25 really --- you said that ---?

205

1 A. Let me correct that. I
2 had --- Mr. Kelly had the
3 investigation after I did. The
4 conversations that we would have
5 recorded with other individuals, who
6 would have been suspect in the
7 process right now, there could have
8 been something mentioned of the
9 Academy made there, but I don't
10 think that it was anything of any
11 significance.

12 ATTORNEY BAILEY:

13 Can I look at this
14 for a minute?

15 A. It could have been made in
16 passing, just to develop a rapport
17 with the person they were dealing
18 with, to see if they were the ones
19 who were going to try to make this
20 thing work.

21 BY ATTORNEY GUIDO:

22 Q. Okay. But Captain Ober
23 would have only had knowledge of
24 those things on the wires for which
25 you gave him copies of the tapes and

206

1 transcripts?

2 A. Uh-huh (yes).

3 Q. Is that correct?

4 A. I would think so, yeah.
5 That's all I'm aware of.

6 Q. And to your --- do you
7 know, was that term Lieutenant
8 Colonel or governor's office
9 mentioned on tapes before that ---
10 that October 13th tape?

11 A. No, not that I can
12 recall.

13 Q. And you --- I think you
14 said that you didn't really even
15 pick up on it at all?

16 A. No, I really didn't, yeah.

17 Q. Until you played the tape
18 for Captain Ober?

19 A. Yeah. If you listen to
20 it, it's --- that guy's rambling
21 on. And all of a sudden it --- I
22 think him being more sensitive to
23 his positions picked it real right
24 up.

25 Q. Right. And when you

207

1 played it for him, it was obviously
2 some point after October 13th on
3 which the tape was made?

4 A. Uh-huh (yes).

5 Q. Does October 21 ring a
6 bell as possibly the date?

7 A. It could have been, yeah.
8 That could have been --- that could
9 have been the meeting date.

10 Q. Okay. Now, when you
11 played --- when you met with him at
12 the State Police Barracks and you
13 played this tape for Captain Ober
14 ---

15 A. Uh-huh (yes).

16 Q. --- and he heard the term
17 Lieutenant Colonel mentioned, and
18 you had previously talked about the
19 sensitivity or --- thought --- had
20 an understanding it was a sensitive
21 subject, and he needed to exercise
22 his discretion on who to talk to
23 when he heard that term Lieutenant
24 Colonel, did he give you any
25 indication or say anything about the

208

1 fact that he had already told a
2 Lieutenant Colonel about this, about
3 your investigation?

4 A. I can't recall it. I
5 can't recall it. I just can't.

6 Q. But it doesn't stick out
7 in your mind that that ---?

8 A. No. I'm not saying that
9 it could not have happened, but it
10 does not --- it's not --- I didn't
11 attach any really importance to it
12 if it happened. And I'm not --- you
13 know, again in law enforcement, you
14 have to trust the person you're
15 working with.

16 Q. Right.

17 A. And I was satisfied I
18 could trust Captain Ober.

19 Q. And at that point, at any
20 point during this investigation, I
21 mean, did Captain Ober or anybody
22 else ever tell you, oh, the
23 Lieutenant Colonel, he went and told
24 the governor's office?

25 A. No.

1 Q. Did anybody ever mention
2 anything like that to you? And it
3 wasn't really something you were too
4 concerned about; was it?

5 A. No.

6 Q. As far as your initial
7 contacts, knowing you don't have
8 your file, et cetera, here, did you
9 make any notation of the date or
10 time or anything when you first
11 contacted him? Would that exist
12 anywhere?

13 A. It's possible, but I ---
14 it was only to set up the meeting.

15 Q. Yes.

16 A. And the meeting was ---
17 you know, was the important thing.

18 Q. And then just a couple
19 extra things. When you met with ---
20 I don't remember if you met with
21 Behrens or you talked to Behrens?

22 A. I met with Behrens.

23 Q. Do you remember whether he
24 mentioned the need that he was going
25 to have to talk to, you know, his

210

1 chain of command about this?

2 A. He led me to believe that
3 he was just going to hold it in
4 abeyance, and that I would
5 eventually get back to them.

6 Q. I mean, before he got back
7 to you, when you first told him, you
8 said I need to know whether this is
9 a sting operation, did he let you
10 know that he was going to go tell
11 other people and get back to you, if
12 you remember?

13 A. No, I don't know that he
14 ---.

15 Q. No, you don't remember, or
16 no, he didn't do that?

17 A. I don't think he --- he
18 did not make the calls right there
19 when I was there. He did --- I'm
20 pretty sure he got back to me, told
21 me there was no sting operation.
22 And we needed to know that pretty
23 quickly.

24 Q. Right.

25 A. Because this case was ---

211

1 there were a number of things we had
2 to address and ---.

3 Q. How long ---?

4 A. In fact, I knew that ---
5 well, I quickly found out that any
6 time we run a state policeman's name
7 or driver's license, it's going to
8 hit in Harrisburg, so we had to know
9 that real quick and that ---.

10 Q. I guess my question, it
11 probably wasn't clear, but what I
12 meant was when you told Behrens that
13 you needed this information and you
14 needed it quickly or whatever, did
15 he tell you, okay, I'll get it for
16 you or did he say, I'll tell my
17 supervisor about this request and I
18 ---?

19 A. Yeah, I was under the
20 impression he was not going to
21 tell. That was my ---.

22 Q. Okay. Do you remember why
23 you had that impression?

24 A. I think he just made a
25 call because this was early in on

212

1 the investigation. And it was only
2 an allegation.

3 Q. If he did tell his chain
4 of command, did you have any problem
5 with that?

6 A. No.

7 Q. And I think just to
8 summarize, make sure I understand,
9 basically as far as who got told
10 within the State Police, within what
11 chain of command, whether it was
12 with Behrens or with the organized
13 crime people, or with Captain Ober,
14 did you leave that totally to the
15 discretion of the individual officer
16 with whom you were having the
17 communication?

18 A. That's right.

19 ATTORNEY GUIDO:

20 That's all the
21 questions I have right
22 now, unless I have any
23 follow up.

24 ATTORNEY BAILEY:

25 A couple quick ones

213

1 and we're finished.

2 A. Sure.

3 RE-EXAMINATION

4 BY ATTORNEY BAILEY:

5 Q. It's a beautiful Friday
6 evening, you're down at Station
7 Square. And you've had a couple
8 good tall cool ones.

9 A. Uh-huh (yes).

10 Q. And you overhear a
11 conversation behind you. And it's
12 two law enforcement officials
13 talking from, I don't know, a couple
14 of other states.

15 A. Uh-huh (yes).

16 Q. And they're talking about
17 information that has to do with FBI
18 officials above you, and they are
19 involved in some kind of illicit
20 activity.

21 A. Uh-huh (yes).

22 Q. I would assume in that
23 case, that you would go to your
24 Bureau somewhere and, you know, need
25 to report that, and not much else

214

1 you could do with it. You have to
2 report that information; right?

3 A. Right.

4 Q. Something that you heard?

5 A. Uh-huh (yes).

6 Q. Maybe nonsense, it might
7 be silly, but you heard it and you'd
8 report it; right?

9 A. Uh-huh (yes).

10 Q. Is that correct? Now, if
11 I come to you and I'm with the
12 Pennsylvania State Police, and I
13 just know you, I happen to know
14 you're an honest person, I happen to
15 know you're a good agent, I live in
16 Pittsburgh, I come to you and I say,
17 Ralph, I've got some very, very
18 serious problems here. Dave
19 Milarney (phonetic) used to be down
20 there in Philadelphia, let's use
21 Dave's name because he's such a good
22 friend of mine. So Dave's down
23 there in Philadelphia, and he's
24 active, and he's working. And you
25 say, look, I'm with the Pennsylvania

215

1 State Police, and I'm working a
2 case. And our people are up there,
3 and we've stumbled on some
4 information that indicates Milarney
5 is directly involved in some kind of
6 illicit drug activity. Now, that's
7 absurd. I want to make sure the
8 record reflects that. I'm sure it
9 is absurd. But I want to --- okay.
10 So now again in that case you're
11 again in a situation where you're an
12 agent, you're a contact. You can't
13 sit there with that. You need to do
14 something within your organization
15 to report it, so there would be some
16 proper channel or some way,
17 somewhere to go with that or
18 something to do with that; right?

19 A. Uh-huh (yes).

20 Q. Now, is it fair to say in
21 that kind of a situation, you know,
22 maybe you'd go to a superior officer
23 or maybe you'd go to some internal
24 group or something like that. I
25 mean, that's only normal; right?

216

1 A. It would be documented.

2 Q. Okay.

3 A. It'd be documented.

4 Q. All right. Now, if you
5 are in charge of the Philadelphia
6 region and somebody comes to you
7 with information from a sister
8 organization that has to do with
9 higher ups --- now, bear this in
10 mind, please, you are not going to
11 report this information to a
12 target. What would you do in that
13 case? She asked you a hypothetical
14 question. You answered it. What
15 would you do if you were in charge
16 of one of the FBI's major regions in
17 the country?

18 A. Uh-huh (yes).

19 Q. And they come to you and
20 they say some official in the front
21 office in Washington is corrupt, and
22 we have this big problem with this
23 spy, for example, recently this guy
24 in the CIA and stuff.

25 A. Uh-huh (yes).

217

1 Q. What would you do with
2 that kind of --- what would you do?
3 Who would you report it to?

4 A. If I were in charge of the
5 office?

6 Q. Yes, right. I know it's
7 hard to ask you that off your feet.
8 It's pretty tough. But what would
9 you do?

10 A. Jeff could probably answer
11 the question better, but you would
12 go to your OPR people, in terms of
13 referring, referral.

14 Q. Okay. Now, you as an FBI
15 agent in this particular case, like
16 Michael said, and I think like you
17 said also, satisfied yourself in
18 terms of doing your duty, you have a
19 sister law enforcement agency, you
20 have to work with them from time to
21 time, the proper thing to do was to
22 go to OPR. You don't make a
23 decision for telling whoever's in
24 charge of OPR, in this case, the
25 acronym is BPR, you're not in a

218

1 position to tell him what to do. It
2 happened to be Captain Ober. It
3 could have been Joe Smoe at the
4 time. The reason you went there is
5 because of the position, and because
6 of the nature of the information; am
7 I correct?

8 A. That's right.

9 Q. And that's a decision that
10 that person has to make. You don't
11 have the power to direct them. You
12 don't have the power to tell them
13 what to do. In appropriate
14 circumstances, it's possible that
15 you could warn or you could admonish
16 someone or you could say, look, this
17 is very important, I want to make it
18 clear to you. Because if the
19 situation warranted it, you might
20 pass that feeling on perhaps, but
21 the point, in fact, is you cannot
22 control it. You don't have any
23 disciplinary powers, you don't have
24 any authority to control it; isn't
25 that correct?

219

1 A. That's correct. And those
2 people have their procedures that
3 they have to follow.

4 Q. Right.

5 A. So you can't ---.

6 Q. And they have to make
7 their judgments?

8 A. Sure.

9 Q. And they have to do what
10 they believe is correct under the
11 circumstances. Because ultimately
12 as opposing Counsel has laboriously
13 pointed out in question after
14 question, this was a decision that
15 Captain Ober had to make under the
16 circumstances, according to what he
17 believed was --- what he believed?

18 A. Uh-huh (yes).

19 Q. Was the --- whatever
20 rightfully or wrongfully was the
21 best for the Pennsylvania State
22 Police in accordance with the law
23 and was proper ethics for a law
24 enforcement official; correct?

25 A. Correct.

220

1 Q. That's all that he could
2 do; is that right?

3 A. It was his call to make.
4 He had to do what he felt.

5 Q. Have you ever been
6 disciplined in the FBI where you may
7 have made an error, maybe you made
8 an error or mistake?

9 A. Uh-huh (yes).

10 Q. But you exercised your
11 judgment the best way that you
12 could. Have you been like beat up
13 on because you did something
14 somebody didn't like? Did that ever
15 happen to you? I don't know, maybe
16 it has. Has that ---?

17 A. Oh, yeah. I mean,
18 personally that happens, of course,
19 but not --- I've never been
20 disciplined.

21 Q. Okay. Last thing. Turn
22 to page ten of the transcript.

23 A. Sure. Okay.

24 Q. If you want to read a few
25 sentences before, a few sentences

221

1 after. But at the top of the page,
2 there's reference to where a
3 background is done, and it says
4 something about the main
5 headquarters.

6 A. Oh.

7 Q. Just want to ask you if
8 you remember that?

9 A. Well, I mean it's on here,
10 so it would have occurred. I would
11 not have put any ---.

12 Q. No. I was just going to
13 ask you if you remembered it. If
14 you remembered it, that's all. If
15 it raised a red flag or ---?

16 A. No, no.

17 Q. Okay. The other thing is
18 in that transcript in different
19 places, would you agree with me that
20 there are different references to,
21 you know, judges, Lord all mighty,
22 Federal judges?

23 A. There was a Federal
24 judge? I don't recall that one.

25 But if it's in here, it's okay ---.

222

1 Q. It's in there.

2 A. Okay.

3 Q. But my pointing that out
4 doesn't make any difference. What
5 I'm trying to ask you about is, this
6 guy in doing his talking and his
7 puffery and stuff like that seemed
8 to me to be talking about just about
9 everything under the sun, and, you
10 know, like officials, official
11 positions, I can do this, I can get
12 that done, I can go to judges, I can
13 fix this, fix that. Did the FBI
14 investigate --- think any of those
15 things were credible or worthy of
16 investigation? I realize they're
17 pretty much out there, pretty far
18 out. But if you're allowed to
19 comment or if there's some reason
20 not to, I can understand.

21 A. Well, when we got to him
22 and we realized what we were dealing
23 with, up front, you don't know what
24 you're dealing with. And you have
25 to --- you have to ---.

223

1 Q. That's all I wanted to
2 know.

3 A. You have to listen to
4 what's going on. You evaluate where
5 it's coming from eventually. And
6 after you confront him and you see
7 that the person breaks down crying
8 in front of you, then probably he
9 was a lot of puffery and ---.

10 Q. Okay. I read into your
11 reaction that that's probably what
12 occurred here?

13 A. But ---.

14 Q. But the point is as you
15 said right up front, you don't
16 know. You don't know?

17 A. Uh-huh (yes).

18 Q. So as an investigator, you
19 treat it with respect because you
20 don't know?

21 A. Sure.

22 ATTORNEY BAILEY:

23 You answered my
24 question. Thank you.

25 RE-EXAMINATION

1 BY ATTORNEY GUIDO:

2 Q. He was mentioning
3 headquarters. That's where you
4 called; isn't it?

5 A. That's where I --- I
6 called, yeah, State Police
7 headquarters, yes.

8 Q. You weren't really
9 concerned with everybody at State
10 Police headquarters being corrupt;
11 were you?

12 A. No. And they didn't know
13 what I was after when I finally ---
14 I didn't tell them that I had this
15 situation. I was trying to get
16 referred to an investigator in that
17 field, so that I could discuss the
18 matter with them. I wouldn't
19 discuss it with just anybody.

20 RE-EXAMINATION

21 BY ATTORNEY BAILEY:

22 Q. One last thing. Mr. ---
23 when Mr. Soohy was here, he said one
24 of his reasons for going to what he
25 called OPR ---

225

1 A. Uh-huh (yes).

2 Q. --- is that usually the
3 people there are a cut above in the
4 sense that they're ---?

5 A. They're charged with a
6 higher responsibility.

7 Q. Thank you, sir.

8 ATTORNEY BAILEY:

9 Thank you very much.
10 Appreciate your being here
11 today.

12 VIDEOGRAPHER:

13 Is that the end of
14 it?

15 ATTORNEY BAILEY:

16 Yes, sir. I'm
17 finished.

18 VIDEOGRAPHER:

19 It's 2:22 p.m. on
20 March 14th, 2002. And
21 this deposition is now
22 concluded.

23 * * * * *

24 VIDEOTAPE DEPOSITION CONCLUDED AT

25 2:22 P.M.

1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF CAMBRIA)

3 C E R T I F I C A T E

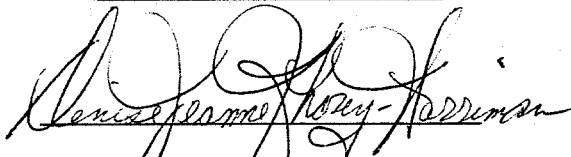
4 I, Denise J. Khorey-Harriman, RMR, a Notary
5 Public in and for the Commonwealth of Pennsylvania,
6 do hereby certify:

7 That the witness was first duly sworn to testify
8 to the truth, the whole truth, and nothing but the
9 truth; that the foregoing deposition was taken at the
10 time and place stated herein; and that the said
11 deposition was taken stenographically by me and
12 reduced to typewriting, and constitutes a true and
13 correct record of the testimony given by the witness.

14 I further certify that the reading and signing
15 of said depositions were (not) waived by counsel for
16 the respective parties and by the witness.

17 I further certify that I am not a relative,
18 employee or attorney of any of the parties, nor a
19 relative or employee of counsel, and that I am in no
20 way interested directly or indirectly in this action.

21 IN WITNESS WHEREOF, I have hereunto set my hand
22 and stamp this 26th day of March 2002.

23 
24
25

NOTARIAL SEAL
Denise Jeanne Khorey-Harriman, Notary Public
Johnstown, Cambria County, PA
My Commission Expires Mar. 7, 2005

• PITTSBURGH, PA

• CLEARFIELD, PA

• STATE COLLEGE, PA

• HOLLIDAYSBURG, PA

• ERIE, PA

• OIL CITY, PA

• HARRISBURG, PA

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• INDIANA, PA

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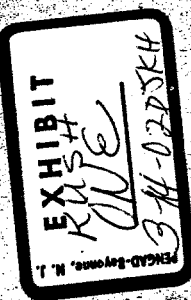
• WILKES-BARRE, PA

• CHARLESTON, WV

TO Be opened

only by

Capt. Darrell Ober
Perryman State Police



Major Thomas WILLIAMS of the Pennsylvania State Police recontacted Agent Ralph KUSH of the Federal Bureau of Investigation, Pittsburgh Office, on June 30, 1999, at 1155 hours. The purpose of the telephone call was to clarify information Captain Darrell OBER gave to the investigating officers during his June 28, 1999 interview.

Major WILLIAMS asked Agent KUSH three specific questions. The questions and answers follow:

- Q. "During your initial telephone conversation with Captain OBER in late September or early October, concerning the FBI political corruption investigation in Western Pennsylvania, did you ever discuss the need for confidentiality with him?"
- A. "No. I never discussed confidentiality about the case with him. I knew who I was dealing with (a Captain in the PSP); therefore, I trusted him. I simply discussed the case with him."
- Q. "During the above phone call, did you ever mention any specific rank within the PSP that may be involved in this case?" I specifically asked him about the Colonel or Lieutenant Colonel rank.
- A. Agent KUSH replied at some point in time, a Lieutenant Colonel rank was discussed, however, he could not remember a date. I informed him that the recorded conversation between his CI, BRIDGE, and Trooper STANTON, in which the rank of Lieutenant Colonel was mentioned, was recorded on October 13, 1999. Based on this information, Agent KUSH then stated he could not have known about the Lieutenant Colonel rank during his initial phone call, therefore, he would not have discussed it. He stated he remembers that at some point (could not remember date), Captain OBER, Agent SOOHY, and he met to listen to a tape. As he recalls, Captain OBER picked up on the Lieutenant Colonel rank being mentioned. He does not even recall the FBI picking up on the rank until brought to their attention by Captain OBER.
- Q. "During your initial phone call with Captain OBER, did you ever mention to him the possibility of high ranking PSP members, or members of the Governor's Office, possibly being involved in this investigation?"
- A. "As best I can recall, I never mentioned high ranking PSP members, or members of the Governor's Office, in my conversation with Captain OBER."



**BUREAU
OF
PROFESSIONAL
RESPONSIBILITY**

**INTERNAL AFFAIRS
DIVISION**

**Interview of
FBI Agent Ralph KUSH
May 25, 1999**

**Re-Interview of
FBI Agent Ralph KUSH
June 30, 1999**

The following is a narration of an interview which occurred on May 25, 1999, at the PSP Findlay Station, between Major Thomas F. WILLIAMS of the Pennsylvania State Police and Agent Ralph KUSH of the Federal Bureau of Investigation.

Agent KUSH stated:

"Before I start, I'd like to give you some background on this case. This case actually began approximately five (5) years ago as a bribery case which occurred in East Liberty. In January 1996, I arrested the subject and he immediately told me he could give us a police officer who was involved in trying to buy a Trooper position for a friend of his. The subject told us that for a certain amount of money, this police officer could get a person into the PSP Academy. The subject told us the police officer was a Trooper named Kipp STANTON. I can't give you the name of the above subject, as he is now a confidential informant for the FBI.

I did some checking and verified that Kipp STANTON was indeed a State Trooper. I became concerned that perhaps STANTON was working undercover, and if that was the case there would be two agencies bumping into each other. I subsequently contacted Klaus BEHRENS, and ran this scenario by him. He checked and verified that the PSP had no undercover case involving our CI, and Trooper STANTON was not working undercover.

The political corruption case involved a guy named Dennis Jay BRIDGE. BRIDGE is a friend of Trooper STANTON, and our CI. BRIDGE took the test to get on PSP, however, he placed in Band "B," which made him ineligible. He was willing to pay a politician \$10,000.00 to be moved into Band "A," provided he received appointment to the Academy.

Our CI informed us that Trooper STANTON had approached him or phoned him several times and advised him he had a friend named Jay BRIDGE, who would pay \$10,000.00 to get an appointment to the PSP Academy. Trooper STANTON wanted our CI to make arrangements through a State Senator or Representative to get his friend appointed to the Academy. For this service, BRIDGE would pay the politician \$10,000.00, and make a political contribution to him of \$5,000.00 each year, as long as he held his office. (Numerous phone calls and personal conversations were recorded and transcriptions are attached.)

At some point in time, I believe BRIDGE had a hard time coming up with the \$10,000.00. I allowed the case to become stagnant. Last summer my supervisor reviewed my caseload and looked at this case. He told me to get on the case, so I did.

Interview/FBI Agent Ralph KUSH, on 05/25/99
Page 2

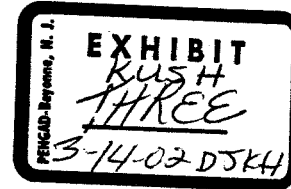
In October 1999, I contacted Captain OBER, of the Internal Affairs office. We discussed this case and I brought him up-to-date on our investigation."

Major WILLIAMS notes:

"At this point in time, I specifically asked Agent KUSH if he ever asked or stressed the need for discretion on the part of Captain OBER discussing the case with anyone. Agent KUSH stated he does not recall asking the Captain not to discuss the case, but hoped he would not discuss it. He stated that if Captain OBER did not discuss this case, he supported his decision not to do so.

Agent KUSH stated he believed he met with Captain OBER on two occasions. He did not recall specific dates, but the dates may be in his report. On one occasion, he and OBER reviewed a tape where BRIDGE mentioned that if a politician would help him, he (the politician) would apparently have to talk to some Lieutenant Colonel - no name was ever mentioned. Trooper STANTON then replied, 'The person who eyeballs. . .', the rest of the comment was unintelligible. Agent KUSH distinctly remembers that when the title of Lieutenant Colonel was mentioned his ears really perked up.

Agent KUSH further stated that at one point during the investigation, their CI referred BRIDGE to a man named Doc FEILDER (phonetic spelling). Apparently FEILDER is an influential male in the Pittsburgh area with political connections. FEILDER either made direct contact with a Pennsylvania State Representative or put BRIDGE in contact with him. The State Representative advised he could not get BRIDGE an appointment to the PSP Academy, however, if he was interested in a job as a Liquor Enforcement Officer or a Police Communications Operator, perhaps he could help. BRIDGE apparently advised he was not interested in anything but a Trooper position."



-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/14/98

The following is a transcription of a recorded conversation which occurred on October 13, 1998, between a
 ① Source, who is in a position to testify, ② Kipp Stanton, a
 Pennsylvania State Police (PSP) Trooper, and ③ Dennis Jay Bridge:

(Recording in Progress)

Source: "...right down."

Tpr. Kipp Stanton: "Okay, no problem."

(Telephone Dial Tone - Movement - UI Comments
- Footsteps - UI Comments - Laughter)

Stanton: "(UI)."

Dennis Jay Bridge: "That's pretty cool."

Source: "The city. (Laughs)"

Bridge: "You gotta..."

Source: "(Laughs)"

(Sigh)

Beidge: "Tellin' Kipp, wonder when the hell we're gonna be able ta get t'gether."

Source: "Yeah, I kn...I know, it's been a while. In fact...ta tell you the truth, uh...uh... if you don't come with Kipp, I don't recognize you."

Dennis Jay Bridge: "Oh, really?"

Source: "It's been so long."

Investigation on 10/13/1998 at Pittsburgh, PAFile # 194D-PG-58817Date dictated 10/13/1998by SA RALPH W. KUSH/rmk

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 2

Bridge: "Oh, yeah. Well, uh...look at it this way, I would...I didn' eve...I...I didn' even think you were in this neighborhood."

Source: "(Laughter)"

Stanton: "(Laughter)"

Bridge: "I couldn't remember...you know the thing about it right now. I don't remember how ta get in and outta here."

Source: "Are you serious?"

Bridge: "Oh, if he'd drop me off..."

Stanton: "I took him to my grandmother's house before an' everything, an' he was here before, too."

Bridge: "He dropped me up the street an' I was, like..."

Stanton: "He was, like...he didn't realize it was the same neighborhood."

Source: "Yeah."

Bridge: "I just...he was...he dropped me off..."

Stanton: "I'm okay."

(Movement)

Bridge: "...an' I'd be screwed. I'd have a heart attack."

Source: "Yeah."

Bridge: "I'd follow the sirens an' look for help."

(Laughter)

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 3

Bridge: "(UI) with you t'day?"

Source: "What...what...where the heck were you? Did ya end up in Blairsville?"

Bridge: "Well, what happens, I didn' get off work 'til later..."

Source: "Yeah?"

Bridge: "...an' then, I got in Blairsville...an' Indiana's the capitol of, uh...construction work. Kipp'll tell ya that."

Source: "Yeah?"

Bridge: "An' there's only so much I can fight through traffic there and they stop you and the...little sign. Can't go through all of 'em. I'm just afraid of hittin' somebody."

Source: "Okay. Yeah."

Bridge: "I just left (UI)."

Source: "Okay. Umm, Blairsville...how far...how far is Blairsville?"

Stanton: "Indiana County."

Source: "Indiana?"

Stanton: "He works over in Cambria County."

Bridge: "I came from Johnstown."

Source: "Oh...uh, do...d'you do Ohio?"

Stanton: "What's that?"

Source: "Are you familiar with Ohio? Is that Johnstown, Ohio? No."

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 4

Stanton: "Ahh..."

Bridge: "Uh, I'm familiar with..."

Stanton: "Cambria County."

Bridge: "...uh, I'm familiar with Ohio, though."

Source: "You know what, um...we have a customer that ...it's in Akron. How far away is that from Pittsburgh?"

Bridge: "Akron is...let's see...uh, four hours."

Source: "Four hours!!!"

Bridge: "Three and a half, four hours."

Stanton: "Depends on what side (UI)?"

Bridge: "Yeah."

(Short Pause - Movement)

Source: "Where did I have paper...I just...you know, and I had that paper..."

(Paper Shuffled)

Stanton: "Yeah, he works out in, uh, Johnstown, Cambria County."

Source: "...yeah?"

Stanton: "He lives in Indiana County."

Source: "I had that paper, for the longest time. It's called, um, La...La...La...Louds... Loudsville...La...La...Loundsville? Londsville?"

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 5

Bridge: "(UI). I used to go out there all the time. When I used to go out my grandpap to, uh, tracks..."

Stanton: "Race tracks."

Source: "That race track? Bettin' the ponies? Um... I'm tryin' ta think it out there. What'd I say, Akron, right?"

Bridge: "Yeah."

Source: "Or Toledo."

Bridge: "(UI), Akron. I know definitely where Toledo is, my wife's, uh...uncle lives in Toledo."

Source: "It...oh, here it is, here. Umm, it's, uh... near Akron, Ohio. It's four hours away?"

Bridge: "Three and a half hours, depending what side he's on."

Source: "Oh, my."

Stanton: "Aquatone."

Bridge: "Must be good service, if he comes that long."

Source: "Oh, jeeze. Is that right?"

Bridge: "Yeah, you're comin' a good way."

Source: "I've never even dreamt such a thing."

Bridge: "Oh, yeah."

Source: "Is that right?"

Bridge: "Hey, he's goin'...he's goin' the distance."

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 6

Source: "Well...(sighs)...um, here, I...I...I...made couple notes, okay, for myself."

(Paper Shuffled)

Source: "Okay. Now,...okay...it's here...so I don't make any mistakes. Okay, the last time I got a little confused. I got to tell you the truth, I got a little confused..."

Bridge: "Okay."

Source: "...the last time. And I didn't really know what your intents were, you understand?"

Bridge: "Yeah. Well, we got..."

Source: "Okay."

Bridge: "...well, see, the thing about it though... it's, like..."

Source: "Okay. Here, wh...wh...why don't we just do...here...look, le' me put all notes aside. Let me do this here. Jay, here...just, tell me what you want, and I'll write it down. Okay? Now, tell me exactly...so I know. This way, no more mistake, or you..."

Bridge: "All I wanna do is, I wanna get in. Okay? The money's not an object. I don't even have to know the guy's name. I mean...money's not a problem. I...talked to my grandfather before I came down here. He'll be well taken care of."

Source: "Okay, get...get..."

Bridge: "I don't even have to know who he is, if I can do everything through Kipp...I can do everything through you and Kipp...I...matter of fact, I don't...to be totally honest with

FD-302a (Rev. 10-6-95)

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 7

you, I'd rather not know who he is. I wanna deal everything in cash, and nothing comes back to me.

Source: "What...what did you...uh, what did you wanna offer 'im?"

Bridge: "Well, I...(UI)...right off the bat...once he gets me goin'...each step he goes...there's five steps you need to go through to get there."

Source: "Okay. Go 'head. I'll...I'm...I'm writin'."

Bridge: "I had a buddy that just, uh...he...somebody ...just (UI) him in. He's in the Academy now."

Source: "Okay."

Bridge: "Five steps you gotta go through. Each step he gets me through, I'll give him two thousand dollars (\$2,000), that's ten thousand dollars (\$10,000). And a five thousand dollar (\$5,000) a year donation as long as he's in office...keep in office...I assume he is."

Source: "Okay. What...what...what...what is Step One? So...so...so...uh, you know..."

Stanton: "Well, Step..."

Source: "...you've got to tell me."

Stanton: "...Step One would be get...gettin' you in from...Band B to Band A."

Bridge: "And, from Band B to Band A. You need to go from Band B to Band A."

Source: "Band B..."

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 8

Bridge: "To Band A."

Source: "...to A."

Bridge: "Yeah."

Source: "And this is somethin' that, um...someone that knows this shit would be familiar with, right?"

Bridge: "Oh, yeah."

Source: "(UI) they'll understand the terminology..."

Bridge: "Oh, yeah. They'll understand it."

Source: "...all right."

Bridge: "Then you gotta go through an interview process."

Source: "Now, where's that done at?"

Bridge: "Greensburg."

Source: "Okay. Um, that would...that's Step Two?"

Bridge: "That's Step Two."

Source: "That's after you get to A?"

Bridge: "Right."

Stanton: "Yeah."

Bridge: "Once they...once...once you get me in the A, they get interviewed."

(Short Pause)

Source: "Okay, uh..."

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 9

Bridge: "Then you have a..."

Source: "An'...an' it's called an interview, right?"

Bridge: "...right. You have an interview."

(Short Pause)

Bridge: "Then, after..."

Source: "Okay."

Bridge: "...the interview, you'd have a polygraph exam."

Source: "That's Step Three?"

Bridge: "Yeah."

Source: "Yeah, well, that's something that...that, um, ...no one could help you with that, right?"

Bridge: "No."

(Short Pause)

Bridge: "And it's...that...Four is, uh...yeah, the background check."

Source: "Okay. Is there any problem there?"

Bridge: "Other than I've been kicked...uh, I was suspended from a university. I mean, I never (UI)..."

Source: "I don't think that's..."

Bridge: "...no..."

Source: "...Kipp'd...Kipp would know more about that..."

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 10

Stanton: "Yeah, 'cause whoever did..."

Source: "... (UI) ..."

Stanton: "...his background investigation would be one of his buddies anyways."

Source: "Well, what...whatever. I mean, I...I..."

Stanton: "(UI) from up there. Yeah, (UI)..."

Bridge: "Yeah."

Stanton: "It wouldn't be a problem."

Bridge: "Well, regardless, all backgrounds go through the main headquarters."

Stanton: "Whoever would actually get assigned to it, would be from, uh..."

Bridge: "Indiana."

Stanton: "Indiana Station, where I used to be in (UI)."

Bridge: "I have nothing...put it this way, I have nothin' that, uh...would...would, uh, hinder me. You know what? They discriminate against me for some reason. Because I might be a white male, or something."

(Thump)

Source: "(Chuckles)"

Bridge: "An' then, uh...the background check the fin..."

Stanton: "(Chuckles)"

(Cough)

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 11

Bridge: "...that's the final stage and then, uh...getting in would be the last stage. Because no one can help me with the physical. Either you get in or not, I mean, uh...okay, you have...you have the physical, which is no problem, I mean..."

Source: "Okay. A'right. Now, um...okay, now...let... let me make sure. (UI)...okay. Umm..."

(Short Pause)

Source: "...okay. Um..."

(Short Pause)

Source: "...a'right. Um, try not to take...think of, uh...is there any other information...is there anything else that...uh, that you would say (Source's Name)...that you would need this? Or, what...what...what...no, how d'you want me ta approach these people? I mean, um...d'you have an idea who it is?"

Bridge: "No!"

Source: "But, uh...uh, you should know."

Stanton: "You told me the name, but I don't remember but, uh..."

Bridge: "Yeah, don't have a clue...well, all...I assume it's a politician."

Source: "Right."

Bridge: "That's the only thing...that's the only way you can help me in...anywhere in the state."

Source: "Okay."

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Continuation of FD-302 of SOURCE. On 10/13/1998 , Page 12

Bridge: "Y'know, but that...my buddy, he had a... he knew a Senator."

Source: "Okay."

Bridge: "And...uh...and they jerked him in, like..."

Source: "Well, what...what...what district was he from?"

Bridge: "He lives in Indiana. Well, he's from Marian Center. But he didn't even come to the B Band. He was down...down to D Band where the flunkies are."

Source: "Okay."

Bridge: "...and he had a misdemeanor burglary charge."

Stanton: "(UI)."

Bridge: "Yeah."

Source: "When...his...a younger age, or somethin' like that, they'll..."

Bridge: "Three years ago..."

Source: "That's not too young."

Bridge: "So other than, he, uh...I mean, got proof he...his background check went unnoticed."

Source: "Okay."

Bridge: "That's what...was really surprised in Indiana. The background check went unnoticed."

Source: "Okay."

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 13

Bridge: "Next thing they knew, he was in the Academy. He's goin' on..."

Source: "Right."

Bridge: "...to the Academy. Me...I mean, I don't ...I mean, that...uh, the best thing is... y'know, they make the guy feel comfortable."

Source: "Kipp."

Bridge: "'Cause...I don't know nothin'...and I work right through Kipp."

Source: "Kipp, let me ask this here. Did...who d'you feel that I should go to? I mean, uh, he and I have options here. Uh, who d'you feel comfortable with?"

Stanton: "Umm, I don't know the one guy. Not...not Doc, the other guy you're talkin' 'bout."

Source: "Umm...umm, Senator Bodack?"

Stanton: "Yeah."

Source: "Okay. You don't feel comfortable with Doc?"

Stanton: "Well, Doc...I don't know how far down...the Senator, he's higher up."

Source: "Oh, yeah,."

Stanton: "I don't know how much. Doc will probably have to work through somebody...to work through somebody else. Maybe even do something else. Probably better to go directly to Senator Bodack..."

Bridge: "Well, the Senator's gonna...that's who helped him, a Senator, I don't know which one...uh, Senator helped him. You...y'know? An' that's

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Continuation of FD-302 of SOURCE, On 10/13/1998 , Page 14

...how...that's where I (UI). I told Kipp,
That's how he (UI). How'd he do it?"

Source: "Okay."

Bridge: "He said we went in steps; and that's what we
did. That's...I think a Trooper from
Indiana. Same as Kipp's helped me out,
helped him out..."

Source: "Okay."

Bridge: "...hookin' him up with this guy."

Source: "Now...okay, now...now, let...let me know if
everything goes okay, when...when you'd be
ready?"

Bridge: "Well, I'm ready immediate...I mean, I'm...I'm
ready immediately."

Stanton: "Remember, you...you said, things were goin'
pretty fast, prob'ly."

Source: "Yeah, I think they are."

Bridge: "I'm ready immediately. Put it this way, I'll
be honest with you...an' Kipp...Kipp knows
that...an' this guy don't know this, but Kipp
does."

Source: "Yeah."

Bridge: "I mean...I mean, money's...money's not an
option. I mean, the only option...uh, my
money...and my family is not exactly the
cleanest money..."

Source: "Oh, I don't und...what do you mean? Oh,
okay! Ahh, well, I...I...I don't know."

Bridge: "My fam...my money comes from Chicago...from
my Uncle Vic."

FD-302a (Rev. 10-6-95)

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Continuation of FD-302 of SOURCE, On 10/13/1998, Page 15

Source: "Yeah."

Bridge: "And, it's pretty much (UI). What I wanna buy ...and I buy a thirty thousand dollar (\$30,000) truck, I got to pay for it. I buy it."

Source: "Okay."

Bridge: "(UI) wanna buy...but money's not the problem."

Source: "Okay."

Bridge: "That's not an issue. He...he can go on that, I mean. Ahh, he'll be definitely well taken care of, once it's...once I'm in everything's taken care of. T...his contribution will come from somewhere else, where he won't even know..."

Source: "Well, here..."

Bridge: "...about (UI)."

Source: "...here's what I'm sayin', whe...when I go there...look...okay, listen. Let's face it, okay? Thi...what...what...this...this is almost the year 2000..."

Stanton: "Right."

Bridge: "Right."

Source: "Okay? If I go ta him an' I say, well, I want you ta help a friend o' mine, an' he'll say, who? (Chuckles) An' I gotta say, well, the...whatta I...I mean, whatta I got...I mean, where am I at? (UI) (Chuckles)"

Bridge: "(Laughs) Yeah, I understand."

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194D-PG-58817

Continuation of FD-302 of SOURCE, On 10/13/1998, Page 16

Source: "I tell 'em, whatta I say? Well, here he want...I mean, he wants to do this? I mean, I... I'll say that."

Bridge: "Yeah, he wants ta do this. I mean, he'll..."

Source: "Yeah."

Bridge: "...I mean, he'll..."

Stanton: "Put it this way, if he wants to meet me, of course, there's no problem."

Bridge: "...yeah. The thing of it is, I would prefer for...for him...for him bein'...feelin' comfortable for me bein'...feelin' comfortable, we don't need no...no one, other than that one (UI)."

Source: "I...okay."

Bridge: "All I know is, I work through Kipp. The money'll come through Kipp. To you, to him. I never see 'im, I don't know nothin'...I don't wanna know. I mean, the thing about...we just go through them channels. I mean, all I need ta do is...like I told...all I need him ta do is get me in the Academy. It's my responsibility ta keep up and stay there."

Source: "Okay. Well, look, I made a little note. I described...I...I wro...I...I wrote a scri... uh, it's real scribbly, but I'll...I'll transfer these nice...I made a little card, okay? For myself, whenever I go down, okay? Or...you know...I'll go...to go to my next step, okay? Just so you know, okay?"

Bridge: "Okay."

Source: "Now, the thing is...do I go empty-handed? That's the smart thing to do?"

FD-302a (Rev. 10-6-95)

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Bridge: "That's definitely the smart thing to do. Tell 'im at each step I'll give him the money; and...if he wants more money, that's no problem. See, tell 'im...tell 'im money's not the issue here. If he can come through, money's not the issue and tell 'im...you know, that as long as he's in office, there'll be contributions coming."

Source: "Um-hum."

Bridge: "I mean, I'm not going to support 'im all his life."

Stanton: "Le' me...le' me...(UI) okay, look...okay, he goes to talk to the guy and says, uh... (UI)...the guy said, uh...okay...what do you want?"

Bridge: "He says okay..."

Stanton: "Let him know what he wants to get started."

Bridge: "...if the guy says, okay, I can help. All I want is a...is...is the...is the guy is gonna say, well, this is no fuckin' problem. I can help. It's a done deal. Okay? How much d'you wanna ...how much d'you want me ta get up front... ta get the process started? Then we'll go (UI). And then, he tells you that, you tell Kipp, I'll have your cash money in fuckin' hours."

Source: "Okay."

Bridge: "Not a problem. To be honest with you, if he wanted fifty thousand bucks (\$50,000) I can go do that."

Source: "Um-hum."

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Bridge: "That's not a problem. Money's not a problem. The thing about it is, I just wanna make sure that everything's kept silent. Kipp's kept out of it, too...ha! it's pretty, uh..."

Source: "Okay. Well, I..."

Bridge: "...okay?"

Source: "...uh, listen, you have to realize somethin'. I...I ...I'm with you all the way..."

Bridge: "Right."

Source: "...okay. I just don't wanna go and look foolish and... and then find out that...uh, I make a phone call and...an'...an'...an' you make me look like shit."

Bridge: "No, I'd (UI) you under..."

Source: "Okay? I'm...already had a...I had a slight experience with that already. Ahh..."

Bridge: "...Kipp can tell you that..."

Source: "...I mean, I sorta went for...I tried to go for...and...and it sorta...I mean, just come to a halt. That looks sorta foolish."

Bridge: "...Kipp can tell you that I have no problem with comin' up with the money."

Source: "We...ahh...I...I...I know that. Bu...but, you...you know that you gotta get..."

Bridge: "Well, you just understand...no one knows no one..."

Stanton: "... (UI) ..."

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Bridge: "...right. No one knows no one here. The thing about it is, though, when you put it this way. I would never do them intentions known, 'cause I know you and Kipp been friends for a long time..."

Source: "Yeah. Then..."

Bridge: "...and, if I wasn't serious...ta be honest with ya, I'd be home, sleeping..."

(Cough)

Bridge: "...I mean, that's what I'm lookin' out for; and, I'm lookin' out for my future..."

Source: "All right..."

Bridge: "...I mean, the thing about it is that...I mean, I'd never dick anybody around. That's not...I mean, that's not who..."

Stanton: "(UI) got two daughters..."

Bridge: "...yeah, the thing..."

Stanton: "... (UI) ..."

Bridge: "... (UI) I call him and bug him every...did you talk to (Source's Name)? Call (Source's Name)..."

Stanton: "...uh-huh."

Source: "...Kipp, you have to realize...I mean, let...let... let's face it...you...you know how foolish one can look..."

Bridge: "...oh yeah, well...well..."

Source: "...okay, now, you realize the position you're puttin' me in?"

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Stanton: "...oh, I...I...I realize..."

Source: "I...I...do...do...do you really?"

Bridge: "...I realize. And you're definitely gonna be taken care of."

Source: "I...I...na...that's not...forget that..."

Bridge: "But, you gotta be taken care of."

Source: "...no, you...you're missin' the whole point. You're missin' the whole point. Okay? I... I'm a committee person, people come to me, okay?"

Bridge: "Right."

Source: "You follow me, okay? Umm, what I'm tryin' ta say is...okay, I...I...I don't...I mean, do I go there empty the first time... you tell me to do that..."

Bridge: "Yeah. Yeah."

Source: "...okay."

Bridge: "That way the..."

Stanton: "D'you think it's smart for that?"

Source: "I...I...I don't..."

Bridge: "...well..."

Source: "...I don't wanna say, Kipp."

Bridge: "...well, the guy..."

Source: "I...I...I don't wanna..."

Bridge: "...the...Kipp...."

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Source: "...say, Kipp, because, I'll tell you what. I...I got it...I...I...I...I learned so much already tonight."

Stanton: "...right."

Source: "I never knew about steps. I never knew."

Bridge: "Ahh, there's steps."

Source: "Okay. Could I tell you somethin'? I thought it wa...I though...outta the class they picked and you go. I'd see..."

Bridge: "No, they gotta go through the steps."

Source: "...uh, you know that."

Bridge: "Unless it's a...unless...like this kid. He did his...what he did is...this guy that met...the guy that helped him in..."

Stanton: "Yeah."

Bridge: "...okay, this is exactly how he did it. This guy was a Senator, too."

Source: "Yeah?"

Bridge: "And what he did, he went down and he knew somebody...the guy told him...hey, this kid's willing to p...not...uh, they don't use...he said, never use...give (UI) money. He's willin' to donate a contribution, if you can help him out. And, no names were ever mentioned."

Source: "Okay."

Bridge: "And what he did, he went to the guy,... yeah. And he said this guy willing to give you...this kid willing give you a five

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thousand dollar (\$5,000) contribution, that's what this kid did. And he (UI) some steps, and the guy said, 'Yeah, that's fine. I can help him out.' Okay, this guy was able to help him out and skip a couple of those steps."

Source: "Okay."

Bridge: "But, see, I don't know how much each power or each (UI)...I don't know if this is Democrat or Republican, I just know this guy was a Republican. (Laughs)"

Source: "Right, I understand."

Bridge: "But it's all (UI). I'm kinda naive to it. I just had...you know, I had a Corporal say to me one night...and I don't let on anything. He said to me, 'Jay, why you fuckin' around?' You got money, make 'em connections, get yourself in. So...we know it can be done."

Stanton: "(Chuckles) That's a lot. See, one time (UI)..."

Source: "I didn't hear you say...who...who...who said that?"

Bridge: "It's a Corporal, from the State Police Barracks in Indiana."

Source: "I thought you s...I thought you said ma..."

Stanton: "Yeah."

(Chuckles)

Source: "...oh. I didn't know he...I...I heard you say a name, I didn't know you said...okay, I'm sorry."

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Bridge: "Yeah, it's....it's...."

Stanton: "I'll tell you how political the...the state is in that. Up in Highland Park Borough...a buddy of mine, um, I got him a job as police chief. One day I was in the office, talkin' ta him and his borough secretary. And, she asked me...I had sort of a personal question...she said, uh...did you get... d'you have help gettin' on the State Police, or are you on your own? I said...well, he said...well, most of the guys...a lot of the guys get on the job actually do have help. You know, these politicians get it for 'em. I'm, like, well, no, I got it on my own but it was offered to help me. But I remember Doc and you approach me about it. And, I looked at 'er and I said, I'm already in the Aca...I'm already sent to the Acadmey in two weeks."

Source: "Right."

Stanton: "So...and I already been in. So, when she told me that..."

Source: "I was in...I was in shock when you told me that you...you...you were already on a roll. You were already a done deal."

Stanton: "...yeah."

Source: "I was in shock. I found it all out afterwards, Kipp. I didn't know."

Stanton: "(Cough) Right."

Source: "Mem...member, I said, it's....it's...uh, I... wh...you...you know I was shocked. I didn't know."

Stanton: "Right."

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Source: "I hadn't seen you for...for a few months. All of a sudden you're a state trooper."

Stanton: "(Chuckles)"

Source: "Uh, it...it seemed like 'at."

Stanton: "Well..."

Source: "It seemed like...when you didn't come around for a couple months and then, I...the next thing you know, he said, well, (Source's Name) I'm a trooper. I said, what? I didn't know. How would I know? Well, he, uh..."

Stanton: "(Chuckles)"

Source: "...yeah, how would I know? I...I..."

Bridge: "This kid told me how his guy approached it. 'Cause I...I mean, I did ask him about it."

Source: "...yeah, listen..."

Bridge: "But, uh...here's...here's how this guy..."

Source: "...uh...anything ta smooth this in the thing, uh, you gotta...you..."

Bridge: "...yeah, you gotta...you...here's how he said he said he approached it..."

Source: "...go 'head."

Bridge: "...he said, his buddy knew the Senator; and he just went to the Senator and he said, hey, I got a...a friend that's trying to get in the state police. If you can give him any help, he's willing to make a contribution to your campaign."

Source: "Did you take a test?"

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Bridge: "Yeah."

Source: "Did...did...d'you remember...I...wha...d'you know...what'd...what'd...where'd you take it at?"

Bridge: "I took a test in Erie."

Source: "In Erie?"

Bridge: "I tested in Erie and the other...they...they only interviewed the people that were in Band A. I finished in Band B."

(Short Pause)

Source: "Umm, we...I had your number written...I had your name and stu...stuff written down. Now, d'you want...here, d'you wanna...write...write all your name and..."

Bridge: "Yeah. Okay."

Source: "...here...why don't do this here...here, let me get the...here, I'll tell you what..."

(Short Pause)

Source: "...why don't you write everything down, okay?"

Bridge: "I'll write you down my name and everything you need."

Source: "Now, Kipp, do I need Social Security Number? No."

Stanton "Ahh..."

Source: "Or Driver's number? What do I need? Operator's Number? What...tell me what I need."

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Stanton: "I'd put...I...I have everything that way, he already has the (UI)...say he wanted to check for himself first, before he did anything...you know, say..."

Source: "Well, he's gonna run a check on 'im, you know that."

Stanton: "...yeah."

Source: "I mean, now, let's face it..."

Stanton: "He's (UI) give him everything, he can do that."

Source: "...give 'im everything...okay. A'right, now..."

Stanton: "(Coughs) To...to...I'm sure he'll say. Yeah, I can help him and in that case he will come and tell me then, I'll...uh, talk ta him..."

Bridge: "We...I'll tell you what..."

Stanton: "... (UI) get the money..."

Bridge: "...ask 'im...uh, right. Ask 'im...y'know, when do we think we can get this ball rollin'? Y'know? So I have some idea of... y'know, what I...all I wanna do...like I told Kipp before... 'cause I need definite direction. That's all I need. Uh, I just need...I just need definite direction where I'm goin'; and what's happenin'...what I want ...don't wanna be is, like...well, I wanna be like this...I...I've kinda got spoiled in the way Ben did it, 'cause he knew week to week..."

Source: "Now...now...now, Ben is who?"

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Bridge: "...Ben's the guy that got pulled in."

Source: "Okay, now..."

Bridge: "He's in (UI)...in there now."

Source: "...okay, now, that...what...now, the... what...what...what section of town was he from originally?"

Bridge: "He was from, um, Marian Center. That's in Indiana, whatever."

Source: "Marian? Okay."

Bridge: "But I don't know...that might not have even ...you know, Indiana Senator, I don't know."

Source: "A'right. Well, I mean, let...let me ask you this here. You...you...you don't know who is was that helped him?"

Bridge: "No."

Source: "'Cause that...that would be helpful..."

Bridge: "He didn't even know who helped him."

Source: "Okay."

Bridge: "He...see, he was one of these things where he went in blind, too, and that way...you know, under a polygraph...if anybody had asked him about that, no, you don't know... I mean...it's pretty much fair. It's..."

Stanton: "They probably won't ask you, so many people..."

Bridge: "...I was talkin' to (UI), and somebody..."

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Stanton: "...somebody can get a job without... 'cause, that woman... made me realize a lot of people get help..."

Bridge: "...and a lot of people don't like it. Let's say a Senator or governor or somebody helps me..."

(UI Noise)

Bridge: "...they really don't want to be exposed ta lettin' anybody know they helped somebody out. They don't even want that person to know."

Source: "Okay."

Bridge: "That's why everything's done... uh, like, uh... like my grandmother says,..."

Source: "Boy, does it... he's gotta know your name."

Bridge: "...no, no. Well, no, no. I mean, I don't wanna know him, he could know me."

Source: "Oh, yeah, okay."

Bridge: "Well, he's helped me, he has to know everything about me..."

Source: "Yeah."

Bridge: "...but I don't wanna know not'in' about him. That gives him a sense of security."

Source: "Right."

Bridge: "And, uh... y'know, the thing 'bout it is, though... it's, like... and, y'know... another thing I wanna do, I wanna do everything straight up cash and that way there's no money order, no check, nothing to be copied."

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(UI Background Noise)

Bridge: "Nothing down the road, uh, somebody say, hey, this guy pulled ya in..."

(Cough)

Bridge: "...and we're terminating ya..."

Source: "I understand that; but...but, um...you... you know I have reservations goin' there. Umm...uh, like, uh...I'm gonna do it for you. Now, if I look bad, I'm not...I ain't never gonna talk to you again."

Bridge: "You'll never look bad. I mean...trust me. I mean, you won't...all you haveta...I'll tell ya somethin' right now...I'll tell you somethin'...you go down 'ere and you get ahold of the...and that guy (UI)...and he's a...yeah, I can help 'im. I need some money t'day...I'll tell you somethin' right now, I'll drive to D.C. Kipp will page me, I'll go get the money...I'll drive right to D.C. That's not a problem."

Source: "Um-hum."

Bridge: "The thing about it is...I'd...I wanna get in and I wanna get somethin' started, you know? I wanna get in...I been tryin' ta get in the State Police I mean..."

Source: "I remember that."

Bridge: "...y'know..."

Source: "I remember that."

Bridge: "...and, the thing about it...and, I mean, that's not a problem. I mean, I'll tell you somethin' right now, man. If that guy been

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sittin' right here tonight and said, 'Bud, I guarantee you I'll get you in and I'll show you t'morrow you bring the money...he shows me...he's gettin' the money. That's not a problem. And all I need...the only thing I told Kipp is, I don't wanna go in blind. You know? I mean...I wanna go..."

Stanton: "Not knowin' what's...."

Source: "Keep this in mind, now you guys sorta sendin' me in a little blind; but, I mean... I'll know...I'll tell you what, though, I'll go; but, sh...I feel better havin' some notes. I'll have some information."

Bridge: "...right."

Source: "I have some...I have some...somethin'..."

Bridge: "Right."

Source: "...to...that we explained to."

Bridge: "Well, prob'ly what'll happen, it's...from what I heard how it happened with this kid, is the guy went to the Senator and the Senator..."

Source: "What was his...what was his name? Now, that ...that's the Corporal. Ahh..."

Bridge: "Oh, no. That's (UI). The kid that...got help was Ben Boner."

Source: "Yeah, okay."

Bridge: "He's in...he's in the Academy right now. They...they pushed him through in, like, four months."

Source: "He...he's through?"

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Bridge: "Oh, no, he's in right now. He's in a class right now. He just started in September."

Source: "In other words, they're training him to be a trooper?"

Bridge: "Right. Right now. Right now."

Source: "Okay, okay. I'm with you now."

Bridge: "And what they had..."

Source: "Is that the final step?"

Bridge: "...yeah. Yeah, you're...once you're in the Academy, you're comin' out a trooper."

Source: "Okay, well, I..."

Stanton: "That's all I need to know. Once you're in the Academy, you're guaranteed a..."

Bridge: "...and, uh..."

Source: "...you know, you didn't mention that to me on my...on my list."

Bridge: "...right."

Source: "That's why I asked."

Bridge: "What they do...they can't...what they did to him is, they had to go to the Senator; and when they went to the Senator, the Senator said, you gotta give me a couple weeks to check and make sure. I gotta make contacts, see if I can help."

Source: "Okay."

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Bridge: "And then, they said, yeah, I could help. And what Ben did, he gave 'im twenty-five hundred bucks (\$2,500)."

Source: "Okay."

Bridge: "And then, after he gave 'im the twenty-five hundred bucks (\$2,500), then he gave the rest...as soon as he got his letter for appointment."

Source: "Okay."

Bridge: "Okay? Then, however they worked things out after that I don't know."

Source: "Right, I understand."

Bridge: "But, that's how..."

Source: "But, I'm (UI) this thing kinda let...let's... you know...get...get (UI)."

Bridge: "...let them know where they're goin'...(UI) direction."

Source: "Oh, yeah."

Bridge: "...that's what I told Kipp. I said, I don't have no...y'know, no...no problem with anything, 'cause I gotta know the direction. I gotta know, like...I gotta...Kipp say everything's in the one trust and I gotta know...if (Source's Name) come back and...like, with this guy and said we can help 'im, we're gonna need ta get money and get things rollin' here. This is what we need to do. This is the direction. A guy what...what...Ben got was direction from the Senator. The Seantor told him what to do. When to give him the money what to do, how to do it, and everything went smoothly there."

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Source: "Okay."

Bridge: "And that's how...that's how...I mean, it went perfectly like that."

Source: "Okay."

Bridge: "And that...and I think that the Senator wants you...uh...uh, whoever you talk to when you go to him and you say hey, this kid's tryin' to get in the State Police, and...he's willin' to make contributions. Any way you can help 'im...'cause he said if we can help in gettin' him goin', we can get things goin' immediately. We needed some direction where to go. Then once we do that, that's no problem. I mean, I...I have a...I have..."

Source: "I had to learn myself, Kipp."

Bridge: "...oh, yeah! Oh, yeah! It's just the... well, the thing about it is...it's...it's really tough, like...it's like in Chicago. If I want to go to Chicago..."

Source: "Yeah."

Bridge: "...to be an Illinois Trooper..."

Source: "If you...yeah."

Bridge: "...their Mafia. I mean, my Uncle Vic could get me in in a second. But the thing about it is, I'm not leavin' Pennsylvania. I mean, that's ...I mean, I wanna stay here (UI)."

Source: "Well, yeah, I know..."

Bridge: "All my friends are here, too."

Source: "...I understand. I...uh, I'm with that a hundred percent. Umm, like, when you said I

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wanted to go about...uh, get your...your Pennsylvania emissions license, I...I know where to go for that, follow me...you know..."

Bridge: "Right."

Source: "...you know this, okay? I know where ta go to be a certified mechanic at. Where...you know this."

Bridge: "Right."

Source: "This is...this is part of...look, Kipp, this is part of your life, okay? An'...an'...and, Jay, this is somethin' you...you wanna get into."

Bridge: "Right."

Source: "Yeah. But, uh..."

Bridge: "This is..."

Source: "...that's right."

Bridge: "...what I've been trying to get into for a while."

Source: "Well...you know..."

Bridge: "(Chuckles)"

(Short Pause)

Source: "...first...I gotta tell ya that I...like...like anything else, okay? The first couple things...uh, like, I say, I don't wanna go an' ...and make a bad impression...even though there's a rapport, okay...I don't wanna make a bad impression."

Bridge: "Right."

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Source: "Okay? I...I really don't."

Bridge: "You just wanna know what you're sayin'; not understandin' it..."

Source: "Yeah. Little bit o' information, um...you, uh...just the gentleman's name, um...uh...he would...he would be most grateful...things that...just follow me."

Bridge: "Right."

Source: "Okay. And I wanna, like, lead in like that. There...nat...nat...naturally I'm the only kind o' person that, um...I never, uh..."

(Sniffling)

Source: "...I would sorta, like, prepare, like, mentally. You know what I'm sayin'? Proper attire when I go there."

(Thorat Cleared)

Source: "Y'know what I'm sayin'?"

Bridge: "Right."

Source: "Even though I know...and, I'm a Committee Person...I have total access, any time I wanna go and see some...uh, you follow me?"

Bridge: "Okay."

Source: "But, this way, I wanna go prepared, okay?"

Bridge: "It's respect."

Source: "It's respect. And, plus,, I wanna say to 'im ...you know, um...it wasn't so long ago that, um...ahh...I'll also hit him wit' this here ...now...now...uh, I got...you could even

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tell me how that phrase it. I'm gonna say, not so long ago there was a Republican Senator from, uh, Indiana...up that way... that helped a young man get started. So, I...I wanna be able ta say those things and not...y'know what I'm saying?"

Bridge: "All right."

Source: "You know? I wanna...in case I get, like, hey, (Source's Name), forget about it. Those days are gone. Hey...hey...hey...hey, um... uh, this...you follow me?"

Bridge: "That's the key thing right there, ta know he's able to do it. That's the...I...I..."

Source: "Yeah, I...I...I...and then, um...uh...y'know, I'll just say, was this guy serious? Well, what did he send with you? I don't know what ta say."

Bridge: "...well, that's what...right then and there, that's exactly what happened when Ben did it..."

Source: "So, I'm gonna say...he said...said..."

Bridge: "He said he..."

Source: "...here's what I'm gonna say. I'm gonna say he sent me with information, he sent me...he sent me what...what...what...what...with this progressive pattern of...of...of...of...steps that need to be done, he said...and, as he goes along...he said, before you...before you even hit Step Five, um..."

Bridge: "You'll have all the money..."

Source: "...we...we...what...what...whatever number you want, um..."

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Bridge: "...yeah."

Source: "...it...it'll be done."

Bridge: "Tell...I'll tell you somethin'...ta be better, just tell 'im to name his figure."

Source: "Okay."

Bridge: "And as long as it's not ridiculous, like, a hundred thousand (\$100,000)..."

Source: "But then, what...what...what is fair? You ...you tell me a figure."

Bridge: "I'll give 'im ten grand (\$10,000), no questions asked."

Source: "Okay. Is...is that normal, or is that...is that low?"

Bridge: "That's high. But, that's..."

Source: "Is it!!?"

Bridge: "...but...oh, that's mo...that's high, but I wanna expedite things. And if he wants even higher yet, that I'm willin' to give 'im five thousand dollars (\$5,000) contribution a year, 'til he retires."

(Short Pause)

Bridge: "I mean, that...that's no problem. Because that's one thing that he didn't pay and...he can count on it. Because, what'll happen is...I mean, he'll get contributions...you know, that...it'll be silent and he'll know where it's coming from."

Source: "Okay."

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Bridge: "I mean, that's gonna be no problem. Uh, he can be taken care of. I mean, my family used to padden politicians' pockets. If it's not in this state. If I was in Chicago, I'd be in business."

Source: "I understand."

Bridge: "But, the thing about it is, uh...that's... that's not a problem. I mean...the big problem is...y'know, all I want is...y'know ...the fir...the main thing is, can he help me? And will he help me?"

Source: "Okay."

Bridge: "The second thing is, if that's not enough money, let me know what is enough money. The third things is, the minute he tells me he can help me, or if he wants to meet me, or...if he wants...uh, even if he wants my bank account number, I'll give 'im my bank account number. I mean, that's not a problem. Yeah, I..."

Stanton: "He...he...we know, it's...before we even do this, it ...it's Step One, you have to give the money first..."

Bridge: "...I can see..."

Stanton: "...you just wanna know if he..."

Bridge: "...well, I..."

Stanton: "...if he can do it first."

Bridge: "...and, I can show 'im...you know, I can show 'im savings accounts..."

(Cough)

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Bridge: "...one's twenty-five thousand dollars (\$25,000) in it...I mean, it's no...the money's no problem."

Source: "Okay."

Bridge: "And...the thing about it...the...what I just wanna know from him...only thing I want to know from him...Number One, can he help me? And, will he help me?"

Source: "Yeah."

Bridge: "Three, is the money sufficient? Four, when the hell we can get movin'?"

Source: "Okay."

Bridge: "And as soon as we get movin' on each step, then we go...I mean, the money's gonna come in. That's gonna be no problem if he wants to meet me, shake hands, that's fine. If he don't...wants to stay silent, that's...y'know, that's fine and...I'm leavin' it up ta him."

Source: "Okay."

Bridge: "All I wanna know is he can help me. I don't give a shit about anything, where the money's goin' to, who it's goin' to, as long as I see I'm gettin' help, there's money goin' out."

Source: "Okay."

Bridge: "And that's not a problem."

Source: "All right."

Bridge: "And...I mean, we're talkin' cash money. I don't wanna deal in any check that...uh,

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checks, like my grandma, they come back and bite you in the ass."

Source: "Okay."

Bridge: "And I definitely wouldn't...y'know...I mean, I definitely wouldn't, uh...y'know, put anybody out on a limb..."

Source: "Uh."

Bridge: "...because, if you get caught in the State of Pennsylvania tryin' to get..."

(Thump)

Bridge: "...help gettin' in the state police...through politicians...you can never get in again. They'll never let you in. You know..."

Source: "Ah..."

Bridge: "...how to use political influence, they say."

Source: "Oh."

Stanton: "That happens all the time."

Bridge: "It happens all the time. But you got to know people; and like my grandma said, 'In order to know people who gotta do for people, so they do for you'. In other words ...I mean...the bottom line is, you get what you pay for."

(Sniffling)

Source: "Hum."

Bridge: "You pay the money...and you pay the money quick to the guy. The guy's gonna get you...if he can. And, that's all I wanted to

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do. And just to go into it...I just wanted him to know that...that, straight up, he'll get the money then...he'll get the money. He shows me the results, the money's there. That's not a problem."

Source: "Okay."

Bridge: "And I'll give it to 'im in pennies, hundreds, thousands...whatever he wants."

Source: "Huh."

Bridge: "But, we gotta get...you know, we gotta get a direction on where we're goin'."

Source: "Yeah."

Bridge: "That's all I want from him is where we're goin' and if...and I don't even want him to do anything for me, until I give 'im money; but I gotta know if he can? When he can? And how it's gonna go?"

Source: "I see."

Bridge: "'Cause the thing about it is, what I'm dealin' with here is I got a family ta look after... you know...basically my daughter, my wife, I wanna start a career, and this is the way I wanna go."

Source: "All right."

Bridge: "You know? And, this is where I wanna be. If he can help me, that's great he'll be well rewarded. If he can't, we tried. You know, and then we'll...we'll see what happens."

Source: "Um-hum."

Bridge: "But...I mean, I...I think that's fair enough for 'im."

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Source: "Right."

Bridge: "And then, just to see if he can help me and when we get some results. And I don't think the next class goes in 'til March. So, this gives us...I mean, what is it October, November, December, January, February, Ap...a ...February, March."

Stanton: "This...is, like..."

Bridge: "Five months."

Stanton: "...four to five months after you get to the Academy..."

Bridge: "And, if he needs longer, that's fine. But, all I wanna know is...uh, I just wanna know ...like, I wanna...ta...uh...him to say... okay, (Source's Name), me and this guy's not gonna, you know, communicate together and we're gonna let you be the go-between guy. I just...I wanna let you know here's how it's gonna go so this kid's not left in the dark. We're gonna do this..."

Source: "Um-hum."

Bridge: "...he'll get a letter from this. He's gonna find out this. Somebody's gonna call me for this? Y'know? I jus' wanna know, like, maybe ...the criteria where I'm goin' and what I can expect."

Source: "Okay."

Bridge: "And then, once we do that...I mean, that's fine; 'cause, basically, what...what he's doin' with that is...he's showin' me he can and we got trust. And then, after that, I give 'im money...he's knowin' that I'm serious and that we got trust there."

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Source: "Okay."

Bridge: "And then we're bonded. Then we know, hey... okay, he can help me. I know he can help me. He showed me this. And he's gonna say, hey, this kid (UI) money. And we know this; but right now we're buyin' trust in one another."

Source: "Um-hum."

Bridge: "And...once we do the blind trust, right off the bat...the first time he...I see he helps me and he sees I'm givin' the money, everything can work good."

Source: "Okay."

Bridge: "I mean, and everything will work good...and, trust me, you...I mean...and...and Kipp can vouch for me. You ain't gonna look like an idiot. And once he's (UI) you tell that, it's a done deal."

Source: "All right."

Bridge: "I mean, that's...I mean, that's no problem. I mean..."

Source: "Kipp, you agree with that?"

Stanton: "Yes."

Bridge: "An' tell 'im if he...if he wants...tell 'im if he wants ta...uh, wants a title to hold, I got a title to a twenty-five thousand dollar (\$25,000) truck out there. (Laughs) 'Til I give the money."

Stanton: "(Laughs)."

Source: "Well..."

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Bridge: "And, it's paid for, too. I got the pink slip."

Source: "...I understand..."

Bridge: "But, tell him that...that...that's all we need to do, is go see what we can...help..."

Source: "...yeah."

Bridge: "...and where we can go. I just want a direction. You know? I just wanna know what..."

Source: "(UI)."

Bridge: "...if somebody can help me, that's great. We're gonna work on it and they're gonna be rewarded, because I believe in...if somebody out on a limb to help me, they're gonna be helped back."

Source: "...a'right."

Bridge: "Y'know? I mean...I...that's the...was I bel...that's like I told Kipp, he's gotta take somethin' for this, you'll have ta take something."

Source: "A'right."

Bridge: "One way or another you'll take something, even if you know it or don't know it. You'll get some...I mean, it's just the way it's gotta work. Because your time is valuable. Your efforts are valuable and so was Kipp's."

Source: "Okay."

Bridge: "Kipp's even more valuable, 'cause here he is, a state trooper tryin' ta move me in. I mean, it..."

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Source: "Yeah..."

Bridge: "...so...and, tell this guy that I can come up with...right now, I can come up with twenty-five (25) references of state troopers that will give me references. That's not a problem."

Source: "Okay."

Bridge: "Y'know? Magistrates. Judges..."

Source: "I understand. I understand."

Bridge: "So, yeah...tell 'im that that's fine. Once...but...only thing I told Kipp...and I wanna get to the ball movin' and see..."

Source: "You know any judges from...in Downtown? Not...in Pittsburgh?"

Bridge: "...in Uniontown."

Source: "Yeah, you...you...d'you...is that...(UI)..."

Stanton: "...Uniontown..."

Bridge: "...Franks is..."

Stanton: "...no, Franks..."

Bridge: "...Franks is an uncle to me."

Stanton: "...yeah."

Bridge: "Federal Judge down there."

Source: "Is he a good guy? Is he...is he nice...I mean, a good guy?"

Bridge: "I think that he could be (UI). I mean, I think that (UI)."

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Stanton: "Most judges in Uniontown are (UI)."

Bridge: "I mean, I think back (UI)..."

Source: "Oh, I see."

Bridge: "...which is...that's normal. I mean, let's face it, we're in a...we're in a...like my grandmother made me...she made my wife...and you gotta know my wife...ask Kipp. My wife is straight-laced as could be..."

Source: "Okay."

Bridge: "...my wife is...you don't get 'em any straight-laced. She don't believe in drinkin', dancin', nothin'."

Source: "I understand."

Bridge: "Even my grandmother'd go over (UI)..."

Stanton: "(Chuckles)."

Source: "I understand. I'm with ya..."

Bridge: "...she don't like me callin' bookies or bettin', nothin'."

Source: "...I understand. I understand."

Bridge: "...but she's...I mean, she's pretty straight-laced and I just...my grandmother just able to make her understand that unless you pay for things..."

Source: "Um-hum?"

Bridge: "...you don't get things."

Source: "Yeah."

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Bridge: "Y'know? And...an'...an' it...an'...an' I hate to say it, we're in ths nineties, but...I mean, if a guy can go in there and get a car painted, he says hey, (Source's Name), I got this insurance job I need done in a week and it's an eight hundred dollar (\$800) job, you're gonna make two hundred dollars (\$200). And I come around and I say, hey, (Source's Name), I just busted the fuckin' fender in that truck. About a fifty (\$50) job; and I'm gonna give you fuckin' two grand (\$2,000), can I get it over night?"

Source: "Ha!"

Bridge: "You're gonna get fuckin' guys on it, you know that."

Source: "Yeah."

Bridge: "That's the way...that's the way the world works..."

Source: "Yeah."

Bridge: "...money talks, bullshit walks."

Source: "Yeah."

Bridge: "But, I've learned that all my life..."

Source: "Yeah."

Bridge: "...I mean, if you want somethin'...I mean, just...for instance, I just bought a big turkey. And the guy told me...he's tellin' me three hundred an' sixty bucks (\$360) ta get it stuffed, which is not bad because, he said it's gonna take eight months."

Source: "Oh, I see."

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Bridge: "I said, how about I give you five hundred an' sixty bucks (\$560). How long can that take?"

Source: "Yeah."

Bridge: "He said, I'll have it done for you..."

(Thump)

Bridge: "...in a month."

Source: "Uh..."

Bridge: "So, that's how, I mean...that's how things ...that's how things work."

Source: "How things work."

Bridge: "I mean...another thing...(UI)...I mean, an' I...that's the way I am. I mean, I've...I want something, I'm...I'm not afraid of admittin' it. If I want them, I'll buy it. I'll buy my way into..."

Source: "Yeah."

Bridge: "Whatever I haveta buy into. I don't have any problem..."

Source: "Well, is there an...anything else you think I should know? Anything...any point? An... any information you think I may, ah..."

Bridge: "...no, I gave...let's say, I give you all the information. Like I said, you...you just approach him. You know, make him aware that...we don't want them to do anything without gettin' paid. That's not a problem."

Source: "A'right."

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Bridge: "We just wanted him to know that...we just wanna know if he can help us."

Source: "Okay."

Bridge: "If he can help us, and we know that... definitely he can help us...show he can help us, he got the money, we move on, and we're in business. Apparently he's gonna have to talk to some Lieutenant Colonel...he's gonna talk with somebody that's affiliated with the State Police...that's gonna know all that."

Stanton: "The person who eyeballs (UI)."

Bridge: "Yeah. He's gonna talk to somebody that knows all that means and put it all together and they're gonna...sit down and say, 'Hey, Pete, this kid...we can help him out. But here's how we got to do it. You gotta tell this kid you gotta do this. But what he's gotta do...' 'Cause nine times outta ten, they're probably gonna have directions for what I'm gonna haveta do."

Source: "Okay."

Bridge: "And, like Ben. Ben...Ben did..."

Source: "Ah, Ben...Ben's the Corporal."

Bridge: "...no, Ben's the kid who just got in. Pol... politician got him in."

Source: "Okay. Okay."

Bridge: "Yeah. He's from Indiana."

Source: "A'right."

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Bridge: "He can't come back to Indiana for five years."

Source: "Okay."

Bridge: "Til the whole thing's blown over. When he gets out of the Academy and at the end of the Academy...they have options of where they can go. And he has no options, he's goin' to Harrisburg."

Source: "Okay."

Bridge: "He has to stay down there. Keep everything slow, cool. Away from every...where he lives; then he comes back."

Source: "I see."

Bridge: "Then he comes back. Okay? I mean they're just watchin' (UI)..."

Source: "You think that...you think that that may, uh ...uh...ahh...play in your case?"

Bridge: "...well, that's pro...oh, yeah. They're not gonna put you anywhere near the people they're gonna ask questions 'til everything..."

Stanton: "The reason why..."

Bridge: "...til everything kinda blows over."

Stanton: "...the reason why this is like that... because he has that...a misdemeanor burglary and people really question that (UI)..."

Bridge: "Right! They're gonna wanna know..."

Stanton: "...where..."

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Bridge: "...how he got in on a burglary."

Stanton: "...where, uh, if he's in Harrisburg, by the time he gets back to Indiana, all those guys will have been promoted...moved on, or whatever."

Bridge: "Right."

Stanton: "So, the guys that know about it won't be as much there...probably, not to mention by that time the report is going to be gone..."

Bridge: "Yeah. Every...every..."

Stanton: "...purged..."

Bridge: "...everything needs a..."

Stanton: "...if someone sees..."

Source: "(UI)."

Stanton: "...well, we can't...put the report...it's gone."

Source: "Right, it's gone."

Bridge: "...and' they take care...and things are taken ...I mean, put it this way, anytime politicians involved in this..."

Stanton: "Every two years we...every two years we get rid of our reports that are closed."

Source: "Yeah."

Bridge: "Yeah, so..."

Stanton: "(UI) thrown...I mean...shredder."

Source: "Shred it yeah, gone."

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Bridge: "Now, when...when...when d'you suppose,
(Source's Name), you'll see this gentleman?"

Source: "Well, first I...I gotta tell ya this here.
What I'm gonna do is...okay? Na...nat...
naturally go over it in my mind. Not...case
I..."

Bridge: "Sure."

Source: "...you told me, okay? Go there with...with
a, like, little card. I think an index card,
okay? Umm, I'll...I prob'ly will... (clears
throat)...I may or may not recopy your name
an' stuff like that. I may just leave it
just the way it is."

Bridge: "Right."

Source: "Okay? And then, I might just go down and
say...you know, um, this is what we need to
do. Umm, how's it look? Okay? Something
you ask me...how's it look? And what...what's
the chances of this happening?"

Bridge: "Right."

Source: "He may say...(clears throat)...I'm...
(Source's Name), I'm on my way out, or I'll
get back to you, uh...give me the
information, that may be his answer."

Bridge: "Right."

Source: "His answer may...may be yes, but say I'll get
back to you. D'you follow me?"

Bridge: "Right. Right."

Source: "Well, uh...I...I don't have any answer for
what he could...ya know what I'm sayin'?
Understand? I on't have an answer right now."

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Bridge: "That's right. You just don't know what (UI) you're goin' to..."

Source: "...I...I...you (UI). I...I'm in virgin territory right now. Y'follow me?"

Bridge: "Right."

Source: "Okay? Um...uh...I gotta...uh...uh...as I go ...I'm goin' by what you tell me now. I'm gonna go an' do that this way. Okay? I...on the other hand...I have a different, old fashioned way of doing things. Okay? You follow me?"

Bridge: "Okay."

Source: "Umm, but the...but, I'll...I'll...I mean, I'm gonna do what you said. You know? I'll... I'll...uh, that's fine with me. I don't have any problem with that. And yes...yes, they'll have to get ahold of you. Umm, in fact,...you know what? Um...where the heck do I have it at? I have it here."

(Movement - Short Pause)

Source: "I just had..."

(Short Pause)

Source: "...I had it right here, just a little while ago. I had..."

(Short Pause)

Source: "Kipp's beeper number. In fact, I had your call...oh! Look at this. It was underneath...underneath my check. Here..."

(UI Background Noise)

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Source: "...I...I...I have a way of...of, uh...of reaching you. Okay?"

Bridge: "And that we just work through Kipp."

Source: "Yes."

Bridge: "And then we'll know everything's goin' on... we'll get...once you get that...now...now when do you...suppose you have an idea of when you're..."

(UI Background Noise)

Bridge: "...gonna go down to see him...or when you'll be in contact with him. When will your first, initial contact take place?"

Source: "Well, right now...okay...I want you to know this, okay? But, right now, after I go everything...prob'ly t'morrow sometime. I'll go through it in my mind. YOU follow me? Umm, uh ...I get...you know...as...as, uh...as the day progresses I'll have, like, uh...my card, like I told you about."

Bridge: "Okay."

Source: "And then, what I'll do at that time...okay? Call and see if...if...if he's in town. In other words...I'm gonna get direction. I'm not gonna do anything without direction."

Bridge: "Right."

Source: "Okay?"

Bridge: "Jus' like we're doin'."

Source: "Exactly what I'm doin'. Okay, this would... y'know, this is...just some things that... you know, that...that really get said, like,

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'are we serious here?' You know, um... 'cause it... there was another point and you had pulled out one time."

Bridge: "No, I didn't pull out. We couldn't get back ahold o'... we couldn't... could not... communicate... I mean, I been on him for how long, a year? Ever since I come down here I been on him. So, the whole time."

Stanton: "(UI)..."

Bridge: "I said, get ahold o' (Source's Name). What the hell's goin' on here?"

Stanton: "...uh, what happened is, the point... time when, I guess he had changed jobs and I had..."

Source: "Yeah."

Stanton: "... 'cause we just (UI), uh..."

Source: "We trusted each other..."

Stanton: "...we just, like, trusted each other... you know, uh, just, uh... uh... not like we stopped tryin' ta do it."

Source: "...just faded away, yeah."

Bridge: "He didn't answer beeps..."

Stanton: "(UI)..."

Bridge: "...but, no, I haven't given up..."

Stanton: "(UI) answer my phone calls and I call him back..."

Bridge: "...I mean, in all honesty,..."

Stanton: "... (UI) ..."

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Bridge: "...if I'da had your pho..."

Stanton: "... (UI) ..."

Bridge: "...if I'da had your phone call...phone number after that, I'da called you personally."

Source: "Okay."

Bridge: "Yeah. I'd never...put it this way, I've been on him, non-stop since the first I met ya out here. It's, like, everyday. I mean, I...I'm the one that (UI)....call (Source's Name). See if he..."

Stanton: "An' then when I call him back, he's (UI)..."

Bridge: "...call (Source's Name): Call (Source's Name). And, then, uh...I just...just had a newborn about a week ago."

Source: "Oh, congratulations."

Bridge: "So...yeah. And so, it's just been hectic. An' then...y'know, I figured, well...an' I told Kipp. I called about three weeks ago; you get ahold o' (Source's Name)...we're gonna do this. We're gonna do it now. We're gonna get it over with, get it done. Get the ball movin' an' either it's gonna go or it's not gonna go."

Source: "Right."

Bridge: "I said, let's get this thing..."

Source: "Yeah, you're right. Yeah, le...le...le...at least you know what the next step is in your life."

Bridge: "...right! 'Cause I've had my hopes up now for a year."

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Source: "Right."

Bridge: "I'm gonna get it. I'm gonna get it. I'm gonna get it. I'm gonna get it. I'm gonna get it. Y'know? This thing about...uh... (UI) (Source's Name), (UI) that's...can't get ahold o' him, you know? It's just been...an' the last year..."

Source: "None, none...hey, this, uh...is...is...has too much time passed by to help you?"

Bridge: "...I don't think."

Source: "No, I'm askin' a question, okay? Ahh, is too much time passed by since your test?"

Bridge: "Oh, no. The test is good for two years."

Source: "I mean, is that normal?"

Stanton: "Yeah."

Bridge: "Yeah. Oh! I need to know that..."

Stanton: "People that are in...there's a few people the class that just started...it..."

Source: "Yes?"

Stanton: "...that took the test back in ninety-four ('94)..."

Source: "Okay."

Stanton: "So, I mean, that's how long that test is, they're pullin' people from that test. So..."

Bridge: "Well, my test is up to date until the year, uh...two thousand (2000)."

Source: "Okay. Well..."

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Bridge: "This test I took is up to date."

Source: "...I didn' know. I just wanna make sure."

Bridge: "Yeah. The test I just took, that's, like..."

Stanton: "You just took the test last..."

Bridge: "...this is early, last September..."

Stanton: "...that's...just so they know it..."

Bridge: "...we got the results in..."

Stanton: "...yeah."

Bridge: "...in April. (UI)?"

Stanton: "It's been a year."

Source: "So, that'll be...that'll be in ninety-seven ('97)?"

Bridge: "Yeah, we took the test in ninety-seven ('97)..."

Source: "A'right."

Bridge: "...yeah, it's good to the year two thousand (2000). But, no, it's..."

(Loud Background Noise)

Bridge: "...no, I never pulled out. I was waitin' for somet'in' ta move an' wh...I mean, I've been waitin' for the longest time."

(Background Cough)

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Bridge: "...my gran...finally, my grandmother said to me...I'm gettin' ready ta go outta town... 'cause her parents are still alive (UI)..."

Source: "Well, I didn't know what this...I didn' know what this nut here was doin'. All of a sudden I heard about his car was chopped an' scratched and marred. After, what the hell did he do, lose his mind?"

Stanton: "Your shop caught on fire here."

Source: "I did, we...we had a shop fire. We did. We just...we got the place back on its, uh, feet the, 'cause I...the last three months."

Bridge: "What happened?"

Source: "It...oh, it was a car...believe me, uh... this stor...this story goes on forever, so I'll tell you another time..."

Bridge: "Much damage?"

Source: "...it...it...it...it's...it was way up there. My...thank God for Nationwide Insurance. Every time I see a Nation...every time I pass a church, I make a sign of the cross...every time I see a Nationwide sign, I make a sign of the cross. (Laughs)"

Stanton: "(Laugh) couple of years. So..."

Bridge: "Well, I..."

Source: "But, ah..."

Bridge: "...I know friends that burn buildings to make more money, but..."

Stanton: "Oh, no. Please."

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Bridge:

in
↓
"...Poleeezze's Clymer (phonetic)."

Source:

"Oh, I'll tell ya what, I...I...just got my business...I just started ta get...uh, focused in...real nice an'...deep into it, okay, you know? Or...or...y'know what I'm saying'? Everything...an'...an' that happened. But, that...that's okay...but...it looks cleaner, better...it looks better than it did before. Umm, but...but, uh...y'know ...happy to, uh, say..."

(Cough)

Source:

"...it wasn't, uh..."

Bridge:

"Happy to get back, huh?"

Source:

"...oh, yeah. Yeah."

(Cough)

Source:

"In fact, a...wh...wh...my men even worked ...my...like in a section o' the garage, he even...through that muck just to keep workin'. It was amaz...it...uh, I don't even wanna get into it."

Bridge:

"You keep real busy here, (Source's Name)?"

Source:

"Yeah, I think. Yeah, I do. I...I...I've been really blessed with it, it really have been."

Bridge:

"Yeah, that's good."

Source:

"I have a lot of repeat business. I have a lot of good, loyal people, you know what I'm sayin'? Umm..."

Bridge:

"Apparently, if they're comin' from Ohio."

FD-302a (Rev. 10-6-95)

194D-PG-58817

Continuation of FD-302 of SOURCE, On 10/13/1998, Page 61

(Short Pause)

Source: "...don't tell me."

(Chuckles/Laughter)

Source: "Just one isolated incident."

Bridge: "That's still one! That's good."

Source: "Yeah. Yeah, yeah."

Bridge: "I sure in the hell wouldn't go..."

Source: "(Laughs)"

Bridge: "...go ta (UI). I wouldn't go from Pittsburgh ta fuckin' New York if I had a good friend up there to get it done."

(Laughter)

Source: "But, that's just a...an isolated thing; but, um...the only thing that, um...uh...like I say, uh...the good news is it's all behind you know? And, hopefully...you know, they're a scary thing--fires."

Bridge: "Oh, yeah."

Source: "Oh, they're a scary thing."

Bridge: "Oh, yeah."

Stanton: "(UI)."

Source: "(UI). I was standin' on the street that night...the fire department...I...was as helpless as could be...you know, just watchin' everything that..."

(Telephone Rings)

FD-302a (Rev. 10-6-95)

194D-PG-58817

Continuation of FD-302 of SOURCE, On 10/13/1998, Page 62

Source: "... (UI) ..."

Bridge: "Everything you work for burnin' (UI) ..."

Source: "...just..."

Bridge: "...to the ground."

Source: "...burst into, like...like you...you...your body, your tears, everything's, like, burstin', uh..."

(Background Telephone Ringing)

Bridge: "Was...was you, uh...was you here when it burned? I mean, was you...did they call you up...uh... (UI)?"

(Sniffling - Background Telephone Ringing)

Source: "No. I...I...I'm usually in bed by nine, thirty (9:30), ten (10:00) o'clock, normally, okay? And I got a phone call...it was around that time...ten (10:00) or eleven (11:00), or somet'in' like that there that said that the shop...ahh, caught fire, all the men were here, they're (UI)...there were so many people the...the street was packed. I...you know, eve...this...the...this here was like a ghost town. I...there was cars, people, everywhere."

(Background Phone Ringing)

Bridge: "That kinda stuff brings people outta the woodwork."

Source: "Well...they all knew me..."

Bridge: "Yeah, the..."

FD-302a (Rev. 10-6-95)

194D-PG-58817

Continuation of FD-302 of SOURCE, On 10/13/1998, Page 63

Source: "...the people left around here knew me, you know? The people that..."

Stanton: "...live here."

Source: "... (UI) the...the...they sympathized, my... my wife, uh, everybody...it was a...I don't want to think about it. Anyway, listen. Here's the next step. I'll...I'll, uh...uh ...make sure that I follow the rule here, okay?"

(Background Telephone Ringing)

Bridge: "And tell him, he don't have to hesitate if he has an aide, or whoever...somebody to call and talk to me..."

Source: "Okay."

Bridge: "...they can call me any time."

Source: "Okay."

Bridge: "And if they need to get 'hold of...and sit and talk to me...find out some information, or to get more information, they don't need to to hesitate to call me, they can just call me at home, any time."

Source: "Okay. Umm, I'm tryin' to think. Well, listen, why...why...why...well, that's it and then...then we'll go...and, uh...then...then I'll wait...then I'll get direction and then we'll go to Step Two."

Bridge: "Uh,...yeah...well, see, we need to do..."

Source: "No, then...then when Step Two is me, (UI) see. Y'know what I'm sayin'?"

Bridge: "...right. (UI)..."

FD-302a (Rev. 10-6-95)

194D-PG-58817

Continuation of FD-302 of SOURCE, On 10/13/1998, Page 64

Source: "...we need information, we need feedback."

Bridge: "...yeah, we need to see what he can do. That's the feedback."

Source: "Okay."

Bridge: "He's the key right now."

Source: "A'right."

Bridge: "Hey, (Source's Name)! I appreciate everything..."

Source: "Okay."

Bridge: "...you're doin' for me, buddy."

Source: "A'right, gentlemen."

Bridge: "I appreciate it."

Source: "Thank you."

Bridge: "Won't regret it; and, uh..."

Source: "I don't know why you look different. What...wha..."

Bridge: "...last time you seen me."

Source: "...I...I...I...if you woulda come in, I woulda recognized you."

Bridge: "(UI) look different. (UI) I look different. My hair's a lot longer. I need a hair cut, bad."

Stanton: "He wasn't wearin' a shirt and tie."

Bridge: "I wasn't wearin' a shirt and tie, I...I had a pair of shorts on."

FD-302a (Rev. 10-6-95)

194D-PG-58817

Continuation of FD-302 of SOURCE, On 10/13/1998, Page 65

Source: "Yeah."

Bridge: "I was dressed up in my coke attire... (chuckles)."

Stanton: "(UI) make you wear those white coke shirts ...all. (UI)."

Bridge: "And so does our code, but the supervisors don't haveta wear a coat. I mean wear a white coat. So we're fine. I just go like this...I mean, go like this and drink a lot of coke."

(Phone Ringing in Background)

Stanton: "(Laughs)."

Source: "A'right."

Bridge: "It's small...out there."

Stanton: "(UI)."

Bridge: "(UI)."

Source: "A'right, partner."

Bridge: "...hey, uh..."

Source: "Okay...a'right, I'll walk ya down. I gotta ...I gotta lock the, uh..."

Bridge: "(UI)."

(Phone Ringing in Background)

Bridge: "Yeah, I appreciate it, (Source's Name). As soon as we can find out...."

Source: "You have to leave the phone ring. (UI) the damn thing..."

27

1

1 U.S. DISTRICT COURT FOR THE MIDDLE
2 DISTRICT OF PENNSYLVANIA

3 * * * * *

4 DARRELL G. OBER, *
5 Plaintiff * No.

6 vs. * 1:CV-01-0084

7 PAUL EVANKO, MARK *
8 CAMPBELL, THOMAS *
9 COURY, JOSEPH *
10 WESTCOTT, *
11 HAWTHORNE CONLEY, *

12 Defendants *

13 * * * * *

14 VIDEOTAPE DEPOSITION OF
15 LOUIS J. LAZZARO
16 APRIL 22, 2002
17
18
19
20
21
22

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25 by the certifying agency

DEPOSITION

OF

LOUIS J. LAZZARO was taken on behalf
of the Defendants herein, pursuant
to the Rules of Civil Procedure,
taken before me, the undersigned,
Susan M. Harshell, a Court Reporter
and Notary Public in and for the
Commonwealth of Pennsylvania, at 114
South Main Street, Third Floor,
Greensburg, Pennsylvania, on Monday,
April 22, 2002, at 11:25 a.m.

A P P E A R A N C E S

DON A. BAILEY, ESQUIRE

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I N D E X

WITNESS: LOUIS J. LAZZARO

EXAMINATION

BY ATTORNEY BAILEY

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EXAMINATION

BY ATTORNEY REYNOLDS

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CERTIFICATE

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EXHIBIT PAGE

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NONE OFFERED

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OBJECTION PAGE

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P R O C E E D I N G S

THE VIDEOGRAPHER:

My name is name
Michael Solomon. I'm
employed by Sargent's
Court Reporting Services.
The date today is April
22nd, 2002. The time is
11:25 a.m. This deposition
is being taken in
Greensburg, Pennsylvania.

The caption of this
case is: In the United
States District Court for
the Middle District of
Pennsylvania, Darrell G.
Ober, Plaintiff, versus
Paul Evanko, Mark
Campbell, Thomas Coury,
Joseph Westcott, Hawthorne
Conley, Defendants. The
witness is Louis J.
Lazzaro. Would the
attorneys present state

8

1 your names and the parties
2 that you represent?

3 ATTORNEY BAILEY:

4 Yes, my name is Don
5 Bailey. I represent the
6 Plaintiff, Darrell G.
7 Ober. My address is 4311
8 North Sixth Street,
9 Harrisburg, Pennsylvania
10 17110. Phone number area
11 code 717-221-9500, FAX
12 9600.

13 ATTORNEY LIGHTMAN:

14 My name is Gary M.
15 Lightman,
16 L-I-G-H-T-M-A-N. I'm
17 representing the interests
18 of the Pennsylvania State
19 Troopers Association. My
20 address is 2705 North
21 Front Street, Harrisburg,
22 Pennsylvania 17110. And
23 my telephone number is
24 717-234-0111.

25 ATTORNEY REYNOLDS:

1 My name is Joanna
2 Reynolds. I'm an
3 Assistant Counsel with
4 Pennsylvania State
5 Police. I represent the
6 Pennsylvania State Police
7 Defendants in this
8 matter. My address is
9 1800 Elmerton Avenue,
10 Harrisburg, PA 17110. And
11 my office telephone number
12 is 717-783-5568.

13 THE VIDEOGRAPHER:

14 The Court Reporter
15 may now administer the
16 oath.

17 COURT REPORTER:

18 Would you raise your
19 right hand, sir?

20 - - - - -

21 LOUIS J. LAZZARO, HAVING FIRST BEEN
22 DULY SWORN, TESTIFIED AS FOLLOWS:

23 - - - - -

24 EXAMINATION

25 BY ATTORNEY BAILEY:

10

1 Q. Mr. Lazzaro, how are you
2 this morning?

3 A. Fine, thank you.

4 Q. Sir, do you have any
5 particular way that you'd like to me
6 address you, Lou or Mr. Lazzaro?

7 A. Lou is fine.

8 Q. I'm Don. I think you know
9 me, we met before so it's not our
10 first meeting. Let me go over just
11 a few initial instructions here to
12 give you an idea of how I do
13 depositions. First of all, I want
14 you to know that all I'm interested
15 in is a good fact record. So
16 contrary either possibly to either
17 other proceeding you've been in or
18 what you've seen on TV, we're not
19 interested in distorting the record
20 or getting you into some cul de sac
21 and twisting things around. In that
22 regard, this is an invitation that
23 goes not just to you, but to your
24 attorneys. If at some time you want
25 know where I'm going with a

11

1 question, even if you're just
2 curious or if you want to know,
3 certainly, if you want to know what
4 I mean by a question, I don't want
5 you to be the least bit reticent
6 about asking me. I'll be happy to
7 explain. I don't mind you asking me
8 any question at all. From time to
9 time, I may change direction with a
10 group of questions. If I do that,
11 I'll certainly let you know and try
12 to give you some warning of that so
13 that your mind can change gears.
14 Now, it's very important so that we
15 get a good record that we let a
16 little bit of time pass between the
17 question and the answer and so that
18 the stenographer can --- you know,
19 can get those things down in
20 particular. And also, Lou, if I,
21 and I assure it will be error on my
22 part if I do it, if I interrupt you
23 or tramp on the toes of your answer,
24 so to speak, make sure these are
25 fine attorneys representing you, but

12

1 if they don't catch it, make sure
2 that you finish and complete your
3 opportunity to answer, okay?

4 A. All right.

5 ATTORNEY BAILEY:

6 Counsel, before we
7 begin, I would assume that
8 the --- what are generally
9 referred to as the, quote
10 unquote, usual
11 stipulations, objections
12 except as to the form of
13 the question reserved to
14 the time of trial is
15 acceptable. Is that okay
16 Gary and Joanna?

17 ATTORNEY REYNOLDS:

18 That's fine.

19 ATTORNEY LIGHTMAN:

20 That's fine with me.

21 BY ATTORNEY BAILEY:

22 Q. Lou, do you have at least
23 some --- do you have any questions
24 of me before we begin?

25 A. No, sir.

13

1 Q. Are you familiar with the
2 lawsuit that is the object of this
3 deposition here today?

4 A. Somewhat so, yes, sir.

5 Q. Tell me what you know
6 about it.

7 A. I think the lawsuit
8 addresses the issue of adverse
9 treatment by the Department against
10 Captain Ober.

11 Q. And when did you first
12 learn about that lawsuit?

13 A. I don't recall. I don't
14 recall when I first became --- I'm
15 not --- I don't have dates in mind
16 when it was filed and so forth, so
17 I'm vague on dates.

18 Q. My understanding is that
19 you recently retired from the
20 Pennsylvania State Police; is that
21 correct?

22 A. That's correct.

23 Q. And what was your rank
24 when you retired?

25 A. Corporal.

1 Q. Corporal. Now, Lou,
2 during your service with the
3 Pennsylvania State Police, let's say
4 the two to four years prior to you
5 retiring, my understanding is that
6 you held a position with the
7 Pennsylvania State Troopers
8 Association?

9 A. That's correct, I was the
10 president.

11 Q. President of the
12 Association. Now, do you have a
13 recollection of representing --- the
14 Union representing rather, Darrell
15 Ober?

16 A. Yes.

17 Q. And now, obviously at
18 least with the Pennsylvania State
19 Police you represent roughly 4,000
20 people?

21 A. Around 4,200.

22 Q. 4,200. Do you have a
23 recollection at some time of
24 becoming aware that Darrell had some
25 sort of a conflict with the

15

1 management of the Pennsylvania State
2 Police?

3 A. Yes.

4 Q. Can you tell me when that
5 was to the best of your
6 recollection?

7 A. It was probably the early
8 part of 2000, I believe. I think
9 some point in time there, I believe.

10 Q. And Lou, who did you hear
11 it from? How did it come to your
12 attention, if I may?

13 A. I first became aware of
14 Captain Ober --- my recollection was
15 he was going to be assigned out here
16 to the Washington area to coordinate
17 state police personnel for the
18 National Governor's Association
19 meetings in State College in July of
20 2000.

21 Q. Okay. Is there something
22 with the Republican Convention and
23 there was something with the
24 National Governor's Association;
25 right?

1 A. This was the National
2 Governor's Association.

3 Q. Okay. Am I in error or
4 were you assigned to duties with the
5 National Governor's Association?

6 A. I was assigned.

7 Q. You were detached?

8 A. I was assigned, I wasn't
9 detached.

10 Q. You were assigned. What
11 duties were you assigned to with the
12 National Governor's Association?

13 A. I was assigned to escort
14 the Governor of the Virgin Islands.

15 Q. Lou, did you at any time
16 ever request Darrell Ober be
17 assigned of those duties or
18 functions with the NGA?

19 A. No.

20 Q. When were you assigned
21 those duties?

22 A. I believe I knew about it
23 in November of '99. At the time, I
24 went to the Dignitary Protection
25 School, so I kind of knew at that

17

1 time.

2 Q. Okay. Now, I'm going to
3 change gears a little bit now and go
4 back.

5 A. Fine.

6 Q. Yeah. I want to ask you.
7 You said that at some point you had
8 learned that Darrell had a conflict
9 over coming --- something about
10 coming out to the west or the NGA or
11 something? Can you tell me ---?

12 A. Well, not to the NGA, but
13 preparation for the NGA.

14 Q. Preparation for the NGA?

15 A. I don't know exactly what
16 the duties were, but I later learned
17 that those were handled by Captain
18 Young.

19 Q. Well, Captain Young was
20 promoted when he took that
21 assignment; wasn't he?

22 A. Yes.

23 Q. Was the --- wasn't the
24 offer to take that assignment,
25 wasn't the promotion part of that

1 offer?

2 A. Well, he went from
3 lieutenant to captain and was
4 assigned here, so I guess it was
5 part and parcel of the assignment,
6 yes.

7 Q. Now, Lou, you had
8 indicated that you had heard about
9 this conflict, assignment for
10 preparation for the NGA and that
11 Darrell Ober had a conflict. Where
12 did you first hear about it? In
13 other words, you know, what was the
14 methodology? Did you hear it from
15 someone, did you get a piece of
16 paper, your lawyers, you know, where
17 did you hear about it?

18 A. I'm not quite sure where I
19 heard or who I first heard it from.
20 I'm just trying to think back. It
21 could have been from the local
22 lodge in Harrisburg, I'm not quite
23 sure.

24 Q. Okay.

25 A. Mike Ruda I talked to I

1 know.

2 Q. R-U-D-A, Mike Ruda?

3 A. Yeah, R-U-D-A.

4 Q. Now, Darrell Ober called
5 you about it; isn't that correct?

6 A. We've talked, yes. We've
7 called back and forth, I guess.

8 Q. Did you know about it
9 before Darrell called you?

10 A. I believe I did.

11 Q. And that's --- if this
12 helps refresh your recollection at
13 all, do you know --- have a
14 reflection of how long you knew
15 about it and where you learned about
16 it before Darrell called you?

17 A. I'm not quite sure at what
18 point he called, but I do, --- you
19 know, I do recall that Darrell had
20 enlisted the attorneys from Maryland
21 to represent him following an
22 injunction, so I think I talked to
23 him afterward, after the contact
24 with the initial attorneys that
25 represented him on the injunctions.

1 Q. Okay.

2 A. I don't think I talked to
3 him before that because I wasn't
4 aware an injunction was being filed.

5 Q. Okay. Now, let me ---
6 let's see if we can --- if I can
7 clarify this. Obviously, I wasn't
8 there, so I need just a little bit
9 of help. Is it fair to say that
10 your best recollection is that when
11 you first talked to Darrell about
12 it, I'm going to assume that Darrell
13 called you; am I correct?

14 A. Yes.

15 Q. Okay. I mean, you're the
16 president of the union, obviously,
17 he's going to be motivated to call
18 you. Is it my --- do I understand
19 your testimony correctly that at the
20 time that Darrell Ober called you,
21 your best recollection at this time
22 is that Mr. Ober had already filed
23 the injunction with the union?

24 A. Yes.

25 Q. All right. Now, Gary

21

1 Lightman is a gentlemen I very much
2 respect, he's here. I'm going to
3 ask some questions, not to intrude
4 on his toes, but I understand --- so
5 you, you know, understand that
6 comedy among Counsel is a very
7 important thing and I want to make
8 sure I'm going to ask some questions
9 now about a meeting which my client
10 has given me to give you a little
11 bit of an offer here, given me to
12 understand what took place where he
13 was present and you were present,
14 Mr. Lightman was present. There may
15 have been other people there.

16 ATTORNEY BAILEY:

17 That would not ---
18 Gary, that would not be a
19 privileged conversation.

20 ATTORNEY LIGHTMAN:

21 No, it wasn't.

22 A. There was only three of us
23 there.

24 BY ATTORNEY BAILEY:

25 Q. Okay, sir. Lou, where did

1 that conversation take place?

2 A. In my office at the PSTA
3 Building.

4 Q. What was it about?

5 A. It was about --- it was
6 about the transfer.

7 Q. Okay.

8 A. And that's basically what
9 it was about.

10 Q. Now, what was Mr. Ober's
11 position on the transfer as you
12 remember it --- strike that. Let me
13 lay a little foundation.

14 Did Mr. Ober present the
15 position that the transfer was
16 punitive and disciplinary in nature?

17 A. I believe he did.

18 Q. Did you disagree with
19 that?

20 A. I think that I may have
21 disagreed with it because the
22 history has been the Commissioner
23 has been able to transfer or assign
24 captains throughout the state at his
25 discretion.

23

1 Q. Now, did you convey that
2 to Mr. Ober ---

3 A. Yes.

4 Q. --- that you remember?

5 Okay. And was this meeting --- this
6 meeting that took place in your
7 office with you and Gary and Mr.
8 Ober present, that was after Mr.
9 Ober had the injunction filed; is
10 that correct?

11 A. Yes.

12 Q. Okay. Well, what's your
13 understanding of why the
14 Commissioner rescinded the transfer?

15 A. There was a hearing, I
16 believe, before the Commonwealth
17 Court and whatever happened there, I
18 never was apprised of it, I never
19 attended. What that agreement was,
20 I was not part of it. The PSTA
21 wasn't part of it.

22 Q. Okay?

23 A. So that's something the
24 Commonwealth can answer better than
25 I can.

1 Q. Yes, sir. I'm not being
2 facetious here, I'm really not being
3 facetious. Did you ever come to
4 understand that the Commissioner had
5 rescinded the transfer out of love
6 and compassion?

7 A. No.

8 Q. Okay. Now, going back to
9 that meeting, it is my understanding
10 that Gary objected to the
11 methodology. Now, I'm going to ---
12 let me do this in fairness to Gary.
13 I don't want to --- you know, he's
14 sitting here, I'm not --- I didn't
15 know he would be here today,
16 incidentally, not that that --- it
17 wouldn't change my questions any.
18 But I'm not here to embarrass
19 attorneys. And there's nothing that
20 I will ask that would in any way be
21 embarrassing, but it's sort of odd I
22 want Mr. Lightman to know that I'm
23 going to ask you these questions
24 from now on, I'm not going to ask
25 you per se about Mr. Lightman's

25

1 position, but I'm going to ask you
2 --- because I'm going to view it as
3 a union position, so I'm going to
4 ask you if this is a PSTA Decision.
5 Can we agree with that, the
6 Pennsylvania State Troopers
7 Association?

8 A. Yes.

9 Q. Was the union position
10 such that they objected to Mr.
11 Ober's methodology?

12 A. As far as?

13 Q. All right, sir. This is
14 my --- let me give you a little
15 offer here.

16 A. Okay.

17 Q. It might this being a
18 civil deposition, it might help us
19 move along. It's my understanding,
20 obviously, from conferring with my
21 client that there were --- the union
22 had expressed some concerns about
23 the methodology used, that the
24 injunction had been filed and the
25 grievance procedure had not be used

1 solely. Now, it's my understanding
2 that at some point at least part of
3 the grievance issues were resolved
4 and rendered moot by virtue of what
5 the state police did, management
6 did; am I correct about that?

7 A. I believe so.

8 Q. Something like that.

9 A. Yes.

10 Q. Okay. Whatever the
11 technical things were that sort of
12 amounted to that. But at this
13 meeting, is it fair to say that the
14 Union did not want Mr. Ober to file
15 the injunction because, quite
16 frankly, from the standpoint of
17 trying to represent an entire union,
18 if everybody went off and did their
19 own thing, that would create
20 problems for the Union; is that fair
21 to say? If it's not, you can
22 correct it.

23 A. The first part about not
24 wanting him to file the injunction,
25 I never had the opportunity to

1 express one way or the other because
2 it was already filed. Frankly, that
3 was probably the first time I ever
4 experienced an injunction being
5 filed on one of members or parties
6 part outside of the union.

7 Q. Okay. Now, if the
8 union --- had the union already had
9 an injunctive request pending or in
10 the works when Mr. Ober filed the
11 injunctive request ---

12 A. No.

13 Q. --- had the private
14 attorneys?

15 A. No.

16 Q. Why not?

17 A. Well, if his transfer was
18 disciplinary in nature, you know, we
19 have a process in the grievance
20 procedure under the contract, you
21 file a grievance.

22 Q. Okay. But if you didn't
23 view the transfer as disciplinary in
24 nature, why were you seeking an
25 injunctive ---?

1 A. I didn't say I didn't view
2 as disciplinary.

3 Q. Oh.

4 A. I said if he viewed it as
5 disciplinary, then he could file the
6 grievance on it.

7 Q. And request injunctive
8 relief?

9 A. Right. The problem I
10 think that he may have had, he had
11 to take the transfer first before
12 this process would be activated.

13 Q. Right. Wasn't it his
14 position that because of his family
15 and et cetera, that that's not a
16 price that he wanted to pay because
17 he did view it as punitive in
18 nature?

19 A. Yes.

20 Q. Sir, do you remember what
21 knowledge you had of the underlying
22 problem at that time? And by that I
23 mean --- well, let's not assume
24 facts not in evidence. Do you know
25 whether Mr. Ober had even been

1 contacted as a courtesy about being
2 transferred prior to being
3 transferred?

4 A. By.

5 Q. Anyone, sir.

6 A. I don't know that.

7 Q. So he may have been he may
8 not have been, but at that time you
9 didn't know, you didn't know the
10 facts; is that correct?

11 A. No.

12 Q. I'm not implying, by the
13 way, that he was not called before
14 he was notified. And that begs a
15 second question, do you know --- did
16 you know at the time of the meeting
17 between you and Mr. Lightman and Mr.
18 Ober whether Mr. Ober had any
19 choices or was he just called up and
20 notified what was going to be
21 happening to him in a few days? Did
22 you know any of those facts?

23 A. I don't know that.

24 Q. Can you tell me why you
25 assumed then when you first talked

1 to him that it was not a punitive or
2 disciplinary transfer or am I wrong
3 in that, you didn't feel that way?

4 A. I didn't know one way or
5 the other whether it was
6 disciplinary. Here again, Captain
7 Ober would have to articulate
8 whether it was discipline or not, by
9 his own knowledge of what happened.
10 That would probably come into play
11 had a grievance been filed for him
12 to articulate that, whether it was
13 disciplinary in nature or not. But
14 he would have had that opportunity
15 to file a grievance if it would have
16 come to a grievance. Obviously, the
17 injunction and subsequent actions
18 after the injunctions precluded a
19 grievance being filed over the
20 transfer issue, so I don't know what
21 would have happened.

22 Q. But wouldn't he have had
23 to go through with that transfer
24 until the grievance was processed?

25 A. Yes.

1 Q. And do you know --- do you
2 have any idea how long, Lou, that
3 would have taken? Is that just
4 speculation?

5 A. I have past experience
6 with disciplinary transfers and I
7 know Captain Ober worked for the
8 Bureau. I kind of suspect it
9 probably would have lasted until at
10 least after the detail was done.

11 Q. And when was it scheduled
12 for?

13 A. July.

14 Q. Lou, there was a grievance
15 filed; wasn't there?

16 A. Not on the transfer.

17 Q. There was not?

18 A. Not to my knowledge.

19 Q. Okay. Okay. Now, if you
20 can tell us, what was the result of
21 the meeting? I mean, what
22 conclusions were reached, if any,
23 what, you know, --- what did it
24 resolve, if anything?

25 A. I don't believe anything

1 was resolved. I think it was just
2 expressions of what he had to say
3 and what the position of the PSTA
4 was.

5 Q. Who had requested the
6 meeting?

7 A. I think we had talked
8 about it and I says, we can have a
9 meeting. I don't whether I
10 requested or it was more of an offer
11 than a request and he was amenable
12 to that.

13 Q. Okay. During the meeting,
14 did Mr. Ober complain about what the
15 union was doing or how it was
16 handling things?

17 A. I don't know that he
18 complained. I don't know that he
19 agreed, but I don't know that he
20 complained.

21 Q. Okay. Lou, did Mr. Ober
22 raise the issue of help or payment
23 with his legal costs at the meeting?

24 A. I'm not quite sure if the
25 legal costs was raised at the

1 meeting, but I do know that legal
2 costs came up later on. Whether it
3 was there or not, I don't recall
4 exactly what point in time the legal
5 costs came up. I don't know if that
6 was available at that time or not.
7 It could have.

8 Q. What was the nature and
9 tone of the meeting? Was it --- I
10 happen to know all three of you and
11 you all seem to be very reasonable
12 people to me. Was there any kind
13 of --- was there any kind of
14 disagreements, arguments, threats or
15 anything like that?

16 A. There's no threats.

17 Q. Matter of fact, it's not
18 in your nature to behave that way;
19 isn't that fair to say?

20 A. No.

21 Q. It's certainly not Mr.
22 Lightman's nature to behave that
23 way; is that correct?

24 A. I'd have to let him speak
25 for himself.

1 Q. All right, fair enough.

2 You're supposed to back your
3 attorney up, Lou. Come on.

4 A. I can't --- I will
5 say ---.

6 Q. This is an old work horse
7 here. You're supposed to back him
8 up. Mr. Ober, to the extent you
9 know Mr. Ober, that's not in his
10 nature; is it?

11 A. I don't think so. I know
12 Darrell.

13 Q. All right, sir. Now, let
14 me go back to the issue of the
15 request for financial help. It is
16 my understanding from looking at
17 documents that Mr. Ober made a
18 number of requests for financial
19 help, both to the Department of the
20 Pennsylvania State Police and to the
21 union. As to the union, do you have
22 a recollection of Mr. Ober making
23 requests for financial help to
24 reimburse him?

25 A. Yes.

1 Q. And Lou, what can you tell
2 us about it? I want you to --- if
3 you'll do this for me, sir, sit back
4 and take a moment to reflect and
5 really try to piece this together in
6 your mind. For reasons that will
7 become apparent through, again, I'm
8 not one of these believers in
9 surprises in depositions, I just
10 want a good solid fact record. This
11 is an a important material issue.
12 I'd like to ask you to please give
13 it your best thought and reflection,
14 go back and tell us what you can
15 remember about what Mr. Ober did in
16 making requests for --- that you can
17 recollect in making requests for
18 financial assistance and
19 reimbursement.

20 A. I can speak from the
21 request as the part of the PSTA.
22 I'm not quite sure it was \$14,000 or
23 \$17,000 that he had incurred in
24 expenses with the attorneys. My
25 concern at this point was that he

1 had gone off on his own and hired
2 his own attorneys outside of the
3 normal process, so it now became an
4 issue of whether the union was going
5 to grant him any financial aid for
6 whatever reasons. So subsequent to
7 that, I had a board of directors
8 meeting and even had Mr. Ober come
9 before the board of directors to
10 present his case, which was probably
11 out of the norm, but I felt that
12 with that amount of money and also
13 employing his own attorneys when we
14 had our own in-house attorneys. I
15 had a problem with that. So he
16 presented his request to the board
17 of directors and subsequent to that,
18 I think there was a motion to grant
19 him \$2,500, I don't know if it was
20 \$2,500 or \$5,000. So that was my
21 last dealing with the financial end
22 of it.

23 Q. Lou, was that --- help me
24 sort a few things out. There's a
25 state --- what an FOP lodge?

1 A. State FOP, yes.

2 Q. Now, the state FOP, what
3 is the state FOP as opposed to the
4 State Troopers Association?

5 A. It's basically a separate
6 entity.

7 Q. Okay.

8 A. A lot of our members
9 belong to the State FOP, but our
10 association represents our members
11 solely for collective bargaining
12 purposes and grievances.

13 Q. So you're a --- you're
14 under the laws of United States and
15 for that matter the State of
16 Pennsylvania, whatever NLRB
17 jurisdiction they may fill up,
18 represents the workers, represents
19 them in the lawful capacity as a
20 union representing member?

21 A. That's correct.

22 Q. The FOP is an association
23 that apparently, I don't know, for
24 want of a better term, I guess, is
25 an association where policemen from

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1 all different kinds of places and
2 law enforcement come together to do
3 things?

4 A. That's correct.

5 Q. Is there a policy with the
6 PSTA that rec --- in situations
7 where members request financial
8 assistance that they need FPA ---
9 approval or vice versa, do you know?

10 A. If they're FOP members.

11 Q. Okay.

12 A. They have a right to a
13 local lodge, which is the first
14 process to request financial aid. A
15 lot of times the local lodges will
16 grant aid and then they also will
17 request that the state lodge grant
18 aid, two separate requests for aid.
19 But if they're not FOP members, but
20 PSTA members, that necessarily
21 wouldn't apply because they are not
22 FOP members.

23 Q. That straightens it out.
24 When Darrell was talking to ---
25 you're talking about to a board,

1 that was FOP or was that PSTA?

2 A. PSTA.

3 Q. That's where I was getting
4 confused.

5 A. PSTA.

6 Q. Now, the PSTA did vote to
7 give Darrell some money?

8 A. Yes.

9 Q. All right. Now, are there
10 minutes of that meeting?

11 A. Yes.

12 Q. All right. Did you speak
13 to --- was there some type of motion
14 to benefit Captain Ober?

15 A. Yes.

16 Q. Did you speak to the
17 motion?

18 A. I can't from the chair.

19 Q. Okay. Do you remember who
20 made the motion?

21 A. I'd be guessing at this
22 point. I mean, the record will
23 indicate who made the motion.

24 Q. I'm sure. Was there a
25 gentleman from the northeast who

40

1 seconded the motion?

2 A. There again, I'm not quite
3 sure, I'd just be dropping names.

4 Q. Let me give you a little
5 help here. Did the gentlemen Sarkis
6 play a role in either one of those
7 two, first or second the motion?

8 A. He may have.

9 ATTORNEY BAILEY:

10 Off record.

11 COUNSEL AND CLIENT CONFER

12 ATTORNEY BAILEY:

13 Sorry, sir, let me
14 get your mic back.

15 BY ATTORNEY BAILEY:

16 Q. McCommon, is there
17 somebody named McCommon?

18 A. McCommons, Paul McCommons.

19 Q. Paul McCommons. Did he
20 make the motion?

21 A. I think that he did.

22 Q. You had recollected, I
23 think, a request of 14K or \$14,000
24 or \$17,000?

25 A. I'm not quite sure of the

1 figure, but yes.

2 Q. Do you remember how much
3 the union gave him?

4 A. I think it was \$2,500.

5 Q. Okay. Do you know why or
6 how that figure arose?

7 A. The maker of the
8 motion ---

9 Q. Okay.

10 A. --- came up with that
11 figure. I don't know how he came up
12 with it, there's no discussion on
13 the amounts or anything, in my
14 presence anyway.

15 Q. Okay. Do you remember
16 when this meeting took place?

17 A. As far as date, no.

18 Q. Okay. Was there --- did
19 Darrell make any requests of
20 national groups for money?

21 A. I believe he did, yes.

22 Q. And do you remember, was
23 it national FOP or something or
24 what, if you remember what it was?

25 A. National I know he did.

1 Q. Okay.

2 A. State, I think. I think,
3 but I'm not ----.

4 Q. Do you know ---

5 A. I'm pretty sure he did.

6 Q. --- if the national ---
7 I'm sorry, I interrupted you, I'm
8 sorry.

9 A. No, that's ----.

10 Q. Okay. You say the
11 national bid or there was something?

12 A. I know he requested
13 national and I think he did the
14 state. I'm pretty sure he did
15 because I recall that at one of
16 state board meetings of the FOP I
17 think it came up.

18 Q. So the \$2,500 was the
19 local lodge?

20 A. No, that was the PSTA.

21 Q. That was the PSTA?

22 A. The local lodge would have
23 been local lodge, I believe, 41
24 which is the Harrisburg lodge where
25 he's a member, I believe.

1 Q. Do you know whether they
2 provided any money?

3 A. I don't know.

4 Q. Who was the head of was it
5 Mike Lutz?

6 A. Mike Ruda.

7 Q. Mike Ruda?

8 A. Of the local lodge.

9 Q. Of the local lodge. Do
10 you know whether they provided any
11 financial support?

12 A. I think that they did, but
13 I'm not sure.

14 Q. Did you ever discuss the
15 issue with Mike Lutz? The issue
16 being Mr. Ober's request for money.
17 Did you ever help to defer his law
18 --- his legal expenses? Did you
19 ever discuss the issue with Mike
20 Lutz?

21 A. I don't believe I did.

22 Q. Now, Mike Lutz at the time
23 would have headed up the State FOP
24 Lodge?

25 A. Still does, yes, sir.

1 Q. And do you know whether or
2 not Mr. Ober made any request of
3 national or does that require state
4 and local approval?

5 A. No, he did make a request
6 of national.

7 Q. Now, I ---?

8 A. And I believe they --- I
9 don't know what happened. I think
10 they may have referred it back to
11 the state, because they normally
12 tell you to see what you can do with
13 your state before you come to the
14 national. So at that point, ---

15 Q. Okay.

16 A. --- I don't know whether
17 the state had done anything or
18 whether they ever did anything. I
19 still don't know to this date
20 whether they did. But the procedure
21 is, you go to the state first and
22 from the state, it goes to
23 national. So you can't bypass the
24 state and go straight to the
25 national is what I'm trying to say.

1 Q. Yes, sir, I understand.

2 Lou, prior to Darrell filing this
3 injunction, how many other cases do
4 you know of where Pennsylvania State
5 Police Officers or Troopers filed
6 injunctions on transfers?

7 A. I don't recall any of
8 them.

9 Q. Okay. Typically, they had
10 gone through the union; is that
11 correct?

12 A. Yes.

13 Q. And typically whatever
14 course the union set, they had
15 followed; is that correct?

16 A. Yes.

17 Q. In this case, is it fair
18 to say that there was a respectful
19 disagreement between the union and
20 Mr. Ober about what to do? And if
21 you object to the word respectful,
22 tell me how you would characterize
23 it.

24 A. I believe there was. I
25 believe there might have been a

1 disagreement on it.

2 Q. Okay. But the word I was
3 looking for was the word respectful,
4 that there was an honest
5 disagreement; is that fair to say?

6 A. I don't think --- I think
7 that that's fair.

8 Q. And that it was not a
9 disagreement characterized by anger,
10 threats or anything of that sort on
11 either side. It was handled as
12 gentlemen handle differences; is
13 that fair to say?

14 A. That's fair to say.

15 Q. Okay. And that God
16 willing Mr. Ober did succeed in his
17 objections, according to the
18 Commissioner was through compassion
19 and concern. According to Mr. Ober,
20 it was the hard impact of the law.
21 But the point, in fact, is Mr. Ober
22 did succeed; is that correct?

23 A. Yes.

24 Q. All right. Now, do you
25 have a recollection of ever

1 discussing Captain Ober's state of
2 mind with any managers of the
3 Pennsylvania State Police, more
4 specifically the front office?

5 A. State of mind --- I knew
6 he was upset. What his state of
7 mind, you know, that's judgmental, I
8 guess, but I know that in my
9 conversations, the fact that he was
10 going clear across the state didn't
11 sit too well, plus being away from
12 the family. So I would say he was
13 upset.

14 Q. Well, those things didn't
15 surprise you?

16 A. No.

17 Q. If they would have
18 happened to the fine gentleman from
19 Southwestern Pennsylvania named Lou
20 Lazzaro, it might have upset him;
21 isn't that fair to say?

22 A. Probably so.

23 Q. Oh, sure. Any human being
24 on a very short notice of transfer,
25 it wouldn't be?

1 A. Daily routine life
2 changes, yeah.

3 Q. Absolutely. You wouldn't
4 expect that he wouldn't be upset.
5 And he fought back the best way he
6 knew how to fight back. Did you
7 ever tell Lieutenant Coury that
8 Darrell Ober was mentally ill or
9 losing his prospective on life?

10 A. I don't think so.

11 Q. Do you tell him anything
12 like that?

13 A. I knew he was upset. I
14 might have said he was upset, but I
15 don't think I ever expressed him
16 being mentally ill.

17 Q. Well, what did you say?

18 A. I believe I said that
19 Captain Ober is very upset about the
20 course of action that was, you know,
21 involving the transfer.

22 Q. Did you hear about how
23 Colonel Evanko reacted when Mr. Ober
24 told him the FBI was looking into
25 allegations of unlawful activities

1 at the highest level of the State
2 Police?

3 A. Repeat that again.

4 Q. Did you ever hear how
5 Captain or how Colonel Evanko
6 reacted when he was informed by
7 Colonel Hickes and Captain Ober that
8 the FBI had expressed a concern
9 about sales of academy positions at
10 possibly the highest level of the
11 State Police or even into the
12 governor's office?

13 A. I don't how he reacted.

14 Q. Did you ever hear?

15 A. The captain may have seen
16 more of a reaction than I did.

17 Q. He did and he so
18 testified, so has Colonel Hickes.
19 I'm wondering if you heard anything
20 about how Colonel Evanko reacted?

21 A. I don't recall ever
22 hearing how he reacted.

23 Q. Okay. Well, what did Mr.
24 Coury, Lieutenant Colonel Coury say
25 back to you when you told him your

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1 best recollection is that you didn't
2 say --- well, let me ask some
3 specific questions here, it might be
4 a little more easier, a little more
5 fair for you. Did you tell
6 Lieutenant Colonel Coury that Mr.
7 Ober's ability to do his work should
8 be investigated?

9 A. No.

10 Q. Did you tell Lieutenant
11 Colonel Coury that Captain Ober was
12 losing his grip or losing control?

13 A. No, I ---.

14 Q. Let me go through this a
15 little, it's okay.

16 A. No, I didn't.

17 Q. That's all right. I
18 understand that and I very much
19 appreciate your patience, it's just
20 I have to ask these questions. I'll
21 be very grateful, I realize it might
22 seem odd, but it's something I have
23 to ask, okay.

24 Do you have a recollection
25 of telling Mr. Coury anything that

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1 would indicate that Darrell Ober was
2 in need of an evaluation for the
3 good of his mental state and mental
4 stability?

5 A. No.

6 Q. Okay. But you did have a
7 conversation with Lieutenant Colonel
8 Coury about Mr. Ober?

9 A. Probably, it would have
10 came up at some point, yes.

11 Q. Well, Lou, I want you
12 again to search, you know, through
13 your mind and tell us what you
14 remember about that conversation,
15 please.

16 A. Other than the fact of him
17 being upset is only thing I recall
18 ever. But any --- as far as job
19 performance or any other things I
20 had, I just assumed he was doing his
21 job where he was it. I had no
22 direct supervision. Of course, he's
23 the captain so he wouldn't have
24 answered to me.

25 Q. Right. Okay. But

1 factually going back to that
2 conversation, there wasn't anything
3 known to you that would indicate
4 that Darrell Ober was not performing
5 his job in a proper way; isn't that
6 fair, Lou?

7 A. Yes.

8 Q. All right. And try to
9 remember back --- obviously --- well
10 strike that.

11 The comment that you made
12 about Darrell being upset, was that
13 made in like an offhand manner or
14 were you soliciting a reaction from
15 Lieutenant Colonel Coury to do
16 something about Darrell being upset;
17 do you understand that question?

18 A. I wasn't ---.

19 Q. Do you under --- go ahead?

20 A. Yeah, it was probably more
21 off the wall than it was a
22 direct --- it probably came up
23 during some other business, it
24 wasn't a specific meeting on Darrell
25 Ober.

1 Q. That's what I'm looking
2 for. But in terms of that
3 discussion, the part of it that
4 dealt with Darrell Ober, in other
5 words, so that --- I want to be very
6 careful that I don't mischaracterize
7 your response. Are you telling us
8 that there was a discussion about
9 probably a number of things, during
10 the discussion Darrell Ober came up
11 and then in an offhand manner, you
12 recollect saying that he was upset?

13 A. Yes.

14 Q. All right, sir. Now, what
15 are the other things about Darrell
16 Ober that you recollect as you sit
17 here today that you and Lieutenant
18 Colonel Coury discussed?

19 A. I don't believe we ever
20 got into any discussion at all about
21 him other than the fact that what
22 was taking place with his own
23 issue. I didn't get into
24 specifically discussions of Darrell
25 Ober of what he was doing.

1 Q. Lou, do you remember when
2 that discussion took place, just a
3 month and a year?

4 A. It was probably --- it was
5 sometime after Darrell had came to
6 the PSTA when Gary and I talked to
7 him.

8 Q. Now, that would have been
9 months and months and months before
10 he filed this lawsuit; wouldn't it,
11 Lou?

12 A. This lawsuit here?

13 Q. Yeah.

14 A. It would probably ---
15 yeah, it was before that.

16 Q. You're sure?

17 A. I think so. I don't think
18 the lawsuit was filed. I don't
19 recall any discussions about a
20 lawsuit at that point.

21 Q. Okay. Do you remember
22 what Colonel Coury --- do you
23 remember what Colonel Coury said in
24 response, if anything, to your
25 offhand comment about Darrell Ober

1 being upset over his situation?

2 A. I don't recall him making
3 any comments at that point.

4 Q. Forgive me. So you at no
5 time --- your testimony here as I
6 understand it, you at no time called
7 Lieutenant Colonel Coury to convey a
8 message that you were concerned
9 about the mental or emotional
10 stability of Captain Ober?

11 A. No, no.

12 Q. Yes. You just didn't do
13 that?

14 A. No.

15 Q. You didn't do that; did
16 you?

17 A. I don't recall doing it,
18 no.

19 Q. Well, do you think if you
20 would have done something like that
21 you would recall it, Lou?

22 A. I don't recall being
23 concerned about his mental
24 stability.

25 Q. In that likelihood, I

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1 guess, you wouldn't call anybody to
2 express concern about it; right?

3 A. I don't think so.

4 Q. Excuse me one second,
5 gentlemen. Do you have a
6 recollection of Lieutenant Colonel
7 Coury making any comments about
8 Darrell's request for financial
9 assistance for help?

10 A. No.

11 Q. Lou, do you remember
12 during the time that you had made
13 this offhand comment any connection,
14 does your mind make any connection
15 between Darrell's request for
16 reimbursement for legal expenses of
17 any entity you knew about and your
18 making an offhand comment that
19 Darrell was upset, do you understand
20 that question?

21 A. Go ahead back with the
22 question.

23 Q. Yes, sir. It was a very
24 awkward question, I apologize for
25 it. It was a rather elongated

1 question. Let me see if I can
2 simplify it a little bit. In going
3 back in your mind, do you remember
4 any connection during this
5 conversation that we have been
6 speaking of with Mr. Coury where
7 Darrell's request for reimbursement
8 of legal fees was connected to your
9 offhand comment about his being
10 upset over what happened to him?

11 A. I think it did.

12 Q. It did. And that, did Mr.
13 Coury comment at all about what it
14 might be costing Darrell or ---?

15 A. No. I had an idea what it
16 was costing him.

17 Q. Okay. And was that ---
18 would that have been because of the
19 request that he had made?

20 A. Yes.

21 Q. Okay. Did you convey
22 those to Colonel Coury?

23 A. I may have.

24 Q. Did you convey the figure
25 \$17,000, do you remember?

1 A. It was either \$14,000 or
2 \$17,000, whatever it was.

3 Q. Okay. But the question
4 is, do you remember whether you
5 conveyed that to Colonel Coury?

6 A. I think I might have.

7 Q. You might have. Do you
8 remember what Colonel Coury said?

9 A. No.

10 Q. Lou, do you remember any
11 rumors about the front office being
12 out to get Darrell Ober? Rumors
13 now.

14 A. I think the first rumor I
15 heard was the people in high places
16 in the state government, or in the
17 State Police and the state
18 government, selling jobs.

19 Q. All right.

20 A. That was --- I think
21 that's even before anything else
22 ever happened.

23 Q. All right.

24 A. But did I hear the
25 Commissioner was out to get him,

1 nobody ever told me that
2 specifically, no.

3 Q. Okay. Did you have any
4 recollection of following Darrell
5 Ober's career after the recision of
6 the transfer? By that I mean what
7 he was doing on work assignments?

8 A. I believe I talked to him
9 after. I believe he was doing a
10 lieutenant's job at that point.

11 Q. As a captain?

12 A. As a captain.

13 Q. Is it fair to say that the
14 discussions, whether you agreed or
15 disagreed on things between you and
16 Darrell Ober were always cordial and
17 respectful, you treated each
18 other ---

19 A. I would say so.

20 Q. --- professional?

21 A. Yes.

22 Q. Yes, sir. Okay. Now,
23 going back to this issue, do you
24 remember where he was doing this
25 lieutenant's position?

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1 A. At the Liquor Enforcement.

2 Q. Okay. Did that seem odd
3 to you?

4 A. Yeah, I guess.

5 Q. Okay.

6 A. Captain doing a
7 lieutenant's job would be odd, but
8 pay-wise there was no conflict with
9 the union as long you were getting
10 the salary, I guess you can do it
11 but it's not probably normal. It
12 isn't normal.

13 Q. So to the best of your
14 knowledge the pay was the same and
15 it's although it's not normal ---
16 what's that mean in terms of the
17 person's place in the organization,
18 their reputation, the duties they're
19 performing, what?

20 A. As I said, it's not the
21 norm.

22 Q. But why, Lou? Why isn't
23 it the norm?

24 A. Well, ---.

25 Q. If you know. I'm not

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1 saying there's an answer, I'm just
2 asking if you know?

3 A. I would except if you're
4 doing a captain's job, you'd be paid
5 like a --- if you were getting paid
6 a captain's salary, you'd be doing
7 the captain's work. If you were
8 doing the lieutenant's, you'd be
9 getting lieutenant's. More times
10 than not, the lower class performs a
11 higher rank and gets the additional
12 pay. However, if you're getting a
13 higher pay and working a lesser job,
14 probably economics doesn't make
15 sense there to pay somebody more
16 money than what the jobs calls for.

17 Q. You've seen tons of that
18 in the State Police; haven't you?

19 A. Doing lesser work?

20 Q. Yeah.

21 A. I don't think.

22 Q. The fact is, Lou, how many
23 years have you been with the State
24 Police?

25 A. Thirty-two (32) years and

1 eight months.

2 Q. You never saw that. If
3 you think that right now --- sit
4 down?

5 A. I can't think of a
6 specific case.

7 Q. All right.

8 A. Now, whether it could have
9 happened or not, it may have.

10 Q. Well, you don't know?

11 A. I don't think it was a
12 matter of routine, though.

13 Q. Well, give me another
14 situation. Tell me another case.

15 A. I don't know of any
16 offhand is what I'm saying. I can't
17 give you a specific case.

18 Q. I've asked seven or eight
19 witnesses now and you're president
20 of the union for a number of years
21 and the fact is you're sitting here
22 today, you can't think of another
23 situation in the Pennsylvania State
24 Police, at least offhand, where you
25 got a captain doing a lieutenant's

1 position or somebody doing an
2 assignment for an extended period of
3 time in a lower pay rate?

4 A. That's correct.

5 ATTORNEY BAILEY:

6 Let me see this right
7 here. Lou, would you bear
8 with me just a minute, you
9 and the lawyers. I just
10 want to look at something
11 real quick here.

12 COUNSEL REVIEWS DOCUMENT

13 BY ATTORNEY BAILEY:

14 Q. Do you know whether
15 Colonel Evanko is a member of the
16 Masons, if you know?

17 A. I think that he is.

18 Q. 1998, do you think that
19 maybe he became a Mason?

20 A. I think it might have been
21 something --- there was a function
22 in Philadelphia, I believe there was
23 a couple guys and he was one of
24 them.

25 Q. You were there, I think;

1 weren't you?

2 A. Me?

3 Q. Yeah.

4 A. I don't think so.

5 Q. Okay. I'm trying to
6 inject a little humor.

7 A. I wasn't there.

8 Q. Okay.

9 A. But I think there was
10 something public to that effect or
11 something in writing somewhere, I
12 believe it might have been him and
13 another kid named Sotos (phonetic)
14 or there was two or three, I think.

15 Q. Evans?

16 A. I don't know. I think I
17 remember Sotos and it might have
18 been the Commissioner.

19 Q. Okay. Well, have you ever
20 given any organization or entity the
21 right to use the Pennsylvania State
22 Police name or logo?

23 A. No.

24 Q. Why not?

25 A. I don't have the

1 authority.

2 Q. Do you know whether the
3 Commissioner has the authority?

4 A. He may.

5 Q. Do you assume that would
6 to the state legislature and the
7 governor acting together to have
8 that authority?

9 A. I'm not quite sure where
10 that falls.

11 Q. That's okay. Lou, have
12 you ever been involved with the
13 Pennsylvania State Police Museum
14 Committee?

15 A. Yes.

16 Q. Where is it located?

17 A. Palmyra, I believe is
18 the ---.

19 Q. Palmyra --- Dauphin County
20 or Dauphin or Lebanon, I forget?

21 A. Might be Lebanon.

22 Q. Have you ever been there?

23 A. Yes.

24 Q. What do they do? What's
25 the ---?

1 A. I believe they were
2 organized to see to the inception of
3 a state police museum ---

4 Q. Okay.

5 A. --- at some location, I
6 think --- I believe they might have
7 access to ground at the academy.

8 Q. Okay. Have you ever
9 worked with Lieutenant Colonel Coury
10 on any museum projects?

11 A. No, I've been at meetings.

12 Q. Has he been to some of the
13 meetings?

14 A. Yes.

15 Q. Does he take personal
16 interest in the museum or at least
17 appear to?

18 A. He's there. What his
19 interest is, that would be something
20 for him to answer.

21 Q. How about Colonel Evanko,
22 has he taken interest in the museum?

23 A. I believe he's --- I would
24 characterize my opinion, he's
25 supportive.

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1 Q. Okay. Has he ever been at
2 any of the meetings?

3 A. Early on, he might have
4 been at one that I've been at, but
5 most of the time he watches.

6 Q. Do you ever discuss
7 Captain Ober with Colonel Evanko?

8 A. No.

9 Q. Have you ever been present
10 when Colonel Evanko discussed
11 Captain Ober?

12 A. At the museum.

13 Q. Anywhere?

14 A. No.

15 Q. Have you ever discussed
16 Colonel Hickes with Lieutenant
17 Colonel Coury?

18 A. No.

19 Q. Do you know Colonel
20 Hickes?

21 A. Yes, I do.

22 Q. Do you know anyone in the
23 governor's office?

24 A. Yes.

25 Q. Do you know a gentleman

1 named Mark Campbell?

2 A. Yes.

3 Q. Have you ever
4 discussed --- I know that you've
5 discussed Pennsylvania State Police
6 matters. Have you ever discuss
7 Darrell Ober with Mark Campbell?

8 A. No.

9 Q. Do you know a woman named
10 Mary Woolley?

11 A. Yes.

12 Q. Have you ever discussed
13 the Pennsylvania State Police with
14 her?

15 A. I believe I met her one
16 time she come to my office. That is
17 my only recollection of this. This
18 is going way back, probably in '98.

19 Q. Your testimony is, if I
20 recollect that you never discussed
21 Captain Darrell Ober with Mark
22 Campbell?

23 A. That's correct.

24 Q. And you never discussed
25 Captain Darrell Ober with Colonel

1 Evanko that you can remember?

2 A. I don't remember
3 discussing Captain Ober with them.

4 Q. Do you know a fellow named
5 Dean Hooper?

6 A. Yes.

7 Q. How about Ann Coury?

8 A. Yes.

9 Q. Is that from the museum
10 work?

11 A. Yes.

12 Q. IMMS, does that mean
13 anything to you?

14 A. INNS?

15 Q. Yes.

16 A. That's the technology
17 unit, I guess over the industrial
18 park over there.

19 Q. Do you have any knowledge
20 of it, Lou, what's it supposed to be
21 about, what it does?

22 A. I'm not familiar with it.

23 Q. Do you know whether or not
24 Captain Ober ever worked on that
25 project?

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1 A. I believe he did.

2 Q. Where?

3 A. Before he went to LC, I
4 believe he did.

5 Q. Okay. Where did you learn
6 that?

7 A. Changes take place. I
8 don't know how I ever found out
9 about it.

10 Q. Excluding the lawsuit, it
11 does appear, I think there's some
12 references in the lawsuit, the
13 complaint. Aside from that, do you
14 have a recollection of where you
15 might have learned that?

16 A. Of how he went from
17 IMS ---

18 Q. Yeah.

19 A. --- to LCE?

20 Q. Yes, sir.

21 A. I don't know if there was
22 anything ever on paper. A lot of
23 times I found out people's
24 reassignments, just the fact that
25 they --- hey, you know so and so is

1 working over here. I don't know how
2 that came about. But how exactly I
3 found out, I'm not quite sure.

4 Q. Okay. All right. Lou,
5 you know Lieutenant Colonel Conley,
6 Hawthorne Conley quite well?

7 A. Yes, sir.

8 Q. You've know ---?

9 A. He was a classmate of
10 mine.

11 Q. You've known him for
12 years?

13 A. Thirty-two (32), plus.

14 Q. Did you discuss Captain
15 Darrell Ober with Colonel Conley?

16 A. I recall I think the first
17 time is I sat in on a
18 pre-disciplinary reference with
19 Captain Ober before Major Conley at
20 that time.

21 Q. Okay.

22 A. But as far as discussions
23 I didn't have --- I may have talked
24 to him about whether I did or not,
25 but ---.

1 Q. Did Mr. Conley, did
2 Lieutenant Colonel Conley, who then
3 would have been major probably or
4 captain even --- well, major, yeah,
5 I guess. Did he ever discuss with
6 you what happened with that FBI
7 investigation, how the decisions
8 that Captain Ober made?

9 A. FBI investigation.

10 Q. Well, let me do it this
11 way --- strike that, withdraw that
12 former question.

13 And I'll ask you, did Mr.
14 Conley ever complain to you or
15 lament, you know, complain or
16 complain in passing or whatnot, you
17 know, bitch about, for want of a
18 better description Captain Ober
19 going around him, chain of command
20 wise and going to Colonel Hickes
21 about the FBI probe?

22 A. No.

23 ATTORNEY BAILEY:

24 Excuse me, I'm
25 sorry. Excuse me. Let's

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1 suspend for just a
2 minute. And can you speak
3 up when you do the
4 suspension so I can get it
5 on this mic.

6 THE VIDEOGRAPHER:

7 12:29 p.m. off
8 record.

9 OFF VIDEOTAPE

10 ATTORNEY BAILEY:

11 Thank you, sir.

12 SHORT BREAK TAKEN

13 THE VIDEOGRAPHER:

14 12:31 p.m. back on
15 record.

16 ON VIDEOTAPE

17 ATTORNEY BAILEY:

18 Before --- I would
19 like to express my
20 gratitude, Mr. Lazzaro,
21 for answering questions.
22 I thank very much for your
23 cooperation. I don't have
24 anything more. I
25 understand some of the

1 other attorneys may have
2 some things and I might
3 have a follow up or two,
4 but I'd like to thank you
5 again?

6 A. Thanks.

7 EXAMINATION

8 BY ATTORNEY REYNOLDS:

9 Q. When you were a union
10 president, PSTA president, did you
11 meet with Colonel Coury on a fairly
12 frequent basis when he was Deputy
13 Commissioner of Administration?

14 A. I talked to him pretty
15 frequent, whether we spoke over the
16 phone or personal contact ---.

17 Q. Okay.

18 A. Yeah, I talked to him on
19 quite a frequent basis.

20 Q. That was because you were
21 the union representative for the
22 union to discuss issues with
23 management and he would have been
24 the management representative for
25 the State Police; is that correct?

1 A. That's correct.

2 Q. Okay. Did you ever
3 discuss member treatment issues with
4 him? I'm not specifically talking
5 about the Plaintiff here, I'm
6 talking about anyone.

7 A. Yes.

8 Q. Okay. And was that, in
9 fact, something that was of some
10 significance to you if you believed
11 that a member was not being treated
12 correctly or whatever, that you
13 would bring it to his attention?

14 A. Sure.

15 Q. Okay. And, in fact, the
16 union has represented individuals,
17 for example, Corporal Chio where
18 you've obtained injunctions against
19 the State Police if you thought a
20 member was not being treated
21 correctly; ---

22 A. That's correct.

23 Q. --- is that correct?

24 A. Okay. With regard to the
25 conversation where you indicated

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1 that at some point in a conversation
2 you told Lieutenant Colonel Coury
3 that you believed that Captain Ober
4 was upset, do you recall what
5 preceded that comment? If you were
6 talking about member --- other
7 member treatment issues or why that
8 came up in conversation?

9 A. That maybe --- that might
10 have been just part of just general
11 discussion. The union, we always
12 had --- we discussed many issues at
13 one gathering.

14 Q. Do you remember saying
15 anything other than that he was
16 upset? I mean, did you explain what
17 you meant by that comment?

18 A. I knew he wasn't happy and
19 he was upset about --- as I said
20 before about moving across the state
21 and having to leave his family.

22 Q. Did you indicate to
23 Colonel Coury that he had huge
24 attorney's fee bills that he was
25 concerned about?

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1 A. I think I might have ---.

2 ATTORNEY BAILEY:

3 Objection to the form
4 of the question. You may
5 respond, sir.

6 A. I think it was pretty
7 common knowledge, I probably did.

8 BY ATTORNEY REYNOLDS:

9 Q. Okay. And you indicated,
10 I think, that you didn't have a
11 specific recollection of when that
12 conversation occurred; is that
13 correct?

14 A. No.

15 Q. Okay. And I think the
16 only thing you were able to say with
17 regard to that is that you knew it
18 occurred after the first --- after
19 the meeting took place between
20 yourself, Mr. Lightman and Captain
21 Ober?

22 A. Okay.

23 Q. Other than that, you can't
24 place it in a month or year?

25 A. No.

1 Q. Did you represent Captain
2 Ober at the first level of his
3 grievance on reimbursement issues
4 before then Major Conley?

5 A. Yes.

6 ATTORNEY BAILEY:

7 Objection to the form
8 of the question. Can you
9 specify, please, what
10 reimbursement issue?

11 ATTORNEY REYNOLDS:

12 Specifically, I'd be
13 happy to do that.

14 BY ATTORNEY REYNOLDS:

15 Q. The reimbursement issues
16 would be with regard to the
17 reimbursement for the annual leave
18 and the hotel in Somerset to meet
19 with the FBI and there was also an
20 issue with regard to a retirement
21 gift, a framing of a retirement

22 ---.

23 A. A plaque, I think.

24 Q. That's what I meant by the
25 reimbursement issues?

1 A. Yes, I represented him. I
2 sat in with him on that.

3 Q. Is that unusual for the
4 union president to do that?

5 A. It's unusual, but I was
6 pretty assessable and I thought it
7 was convenient.

8 Q. Okay. Is there a specific
9 reason if you recall why you did it
10 on that occasion?

11 A. I was trying to do it to
12 accommodate Captain Ober, I guess.
13 I was next door and it was
14 convenient to go up and rather than
15 go to the lodge and try to find a
16 representative, for him to have to
17 go to the lodge and find a
18 representative, I just did it. I've
19 done it before. It's unusual, but
20 it's not beyond me doing it.

21 Q. Did the PSTA represent
22 Captain Ober in all of his
23 grievances?

24 A. Yes.

25 Q. And did they provide

80

1 counsel for him in arbitration?

2 COURT REPORTER:

3 For him in what,

4 ma'am?

5 BY ATTORNEY REYNOLDS:

6 Q. Counsel for him in
7 arbitration, legal counsel?

8 A. Yes.

9 Q. Okay. You indicated that
10 the State PSTA Lodge gave him
11 \$2,500?

12 A. State, it's not PSTA, it's
13 PSTA, not State.

14 Q. Okay. It was PSTA ---
15 what was that PSTA Lodge or was it
16 just called the PSTA?

17 A. Pennsylvania State Trooper
18 Association.

19 Q. Okay. And they provided
20 him --- after he made a plea to the
21 board of directors, they provided
22 him with \$2,500 to assist him in his
23 legal fees?

24 A. Yes.

25 Q. Do you know if any other

81

1 groups --- if any other FOP lodges
2 or national provided him with any
3 fees?

4 A. I'm not certain if anybody
5 else did.

6 Q. Did you have any
7 discussions with the local lodge
8 president, Mike Ruda, about Ober's
9 situation?

10 A. I do recall that I think
11 Mike said that Captain Ober was
12 coming before the lodge for aid.

13 Q. Okay. And how did that
14 arise? How did that
15 conversation ---?

16 A. Phone call, I believe.

17 Q. I'm sorry, what?

18 A. Phone call, I believe.

19 Q. Did Mr. Ruda bring that to
20 your attention?

21 A. Yes.

22 Q. Okay. I'm sorry, what's
23 his rank? I don't know that.

24 A. Sergeant.

25 Q. Sergeant. He brought that

1 to your attention. Did he say why
2 he was concerned about that?

3 A. I don't know that he was
4 concerned about it. I think he just
5 brought up the fact that the Captain
6 Ober was coming --- was going to be
7 before the lodge to request aid.

8 Q. Okay. With regard to the
9 assignment in Liquor Control
10 Enforcement when Captain Ober was
11 assigned to a position that was
12 formally served by a lieutenant, are
13 you aware that the State Police had
14 to keep Captain Ober in the
15 Harrisburg Hershey area as a result
16 of the settlement of his lawsuit
17 before Commonwealth Court?

18 A. Yes.

19 Q. Okay. If the union had
20 seen any harm to Captain Ober as
21 a result of that three-month
22 period when he was assigned as a
23 captain to a position that was
24 formally served by a lieutenant,
25 could they have taken action against

1 management?

2 ATTORNEY BAILEY:

3 Objection. You may
4 respond.

5 A. What was the question
6 again?

7 BY ATTORNEY REYNOLDS:

8 Q. If the union had seen any
9 harm to Captain Ober as a result of
10 him being assigned to what had been
11 a lieutenant's position at a
12 captain's rate of pay, could
13 they --- for a three month period,
14 could they have taken any action
15 against management?

16 A. Yes.

17 Q. And why did they choose
18 not to take any action against
19 management?

20 ATTORNEY BAILEY:

21 Objection to the form
22 of question. You may
23 respond.

24 A. Well, although it was
25 unusual, he was still getting a

84

1 higher rate of pay for a lesser rank
2 position.

3 BY ATTORNEY REYNOLDS:

4 Q. Okay.

5 A. If it would have been the
6 other way around, we would have had
7 a problem.

8 ATTORNEY REYNOLDS:

9 That's all I have.

10 ATTORNEY BAILEY:

11 I don't have any
12 further questions, Lou.
13 Again, I'd like to thank
14 you very much. Gary, do
15 you have anything?

16 ATTORNEY LIGHTMAN:

17 No, thank you. I
18 appreciate being in
19 Greensburg.

20 THE VIDEOGRAPHER:

21 12:39 off the
22 record.

23 * * * * *

24 VIDEOTAPE DEPOSITION
25 CONCLUDED AT 12:39 P.M.

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF WESTMORELAND)

C E R T I F I C A T E

I, Susan M. Harshell, a Notary Public in and for the Commonwealth of Pennsylvania, do hereby certify:

That the witness was first duly sworn to testify to the truth, the whole truth, and nothing but the truth; that the foregoing deposition was taken at the time and place stated herein; and that the said deposition was taken stenographically by me and reduced to typewriting, and constitutes a true and correct record of the testimony given by the witness.

I further certify that the reading and signing of said depositions were (not) waived by counsel for the respective parties and by the witness.

I further certify that I am not a relative, employee or attorney of any of the parties, nor a relative or employee of counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and stamp this 25th day of April 2002.

Susan M. Harshell

NOTARIAL SEAL
SUSAN M. HARSHELL, Notary Public
Greensburg, Westmoreland County, PA
My Commission Expires May 31, 2002

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